



Governing Body

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

Minutes of the 349th Session of the Governing Body of the International Labour Office

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► Abbreviations

ACT/EMP	Bureau for Employers' Activities
ACTRAV	Bureau for Workers' Activities
ASEAN	Association of Southeast Asian Nations
ASPAG	Asia and Pacific group
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CINTERFOR	Inter-American Centre for Knowledge Development in Vocational Training
COVID-19	Coronavirus disease
DWCP	Decent Work Country Programme
EU	European Union
EPZs	Export Processing Zones
GCC	Cooperation Council for the Arab States of the Gulf
GRULAC	group of Latin American and Caribbean countries
IAO	Office of Internal Audit and Oversight
ICJ	International Court of Justice
ICSC	International Civil Service Commission
IMEC	group of industrialized market economy countries
Turin Centre	International Training Centre of the ILO
IOE	International Organisation of Employers
ITUC	International Trade Union Confederation
JIU	Joint Inspection Unit
MSME	micro, small and medium-sized enterprise
MNE Declaration	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
OSH	occupational safety and health
SDG	Sustainable Development Goal
SME	small and medium-sized enterprise
SRM TWG	Standards Review Mechanism Tripartite Working Group
UN	United Nations
UNSDCF	United Nations Sustainable Development Cooperation Framework

► Introduction

1. The 349th Session of the Governing Body of the International Labour Office was held in Geneva, from 30 October to 9 November 2023. It was presided over by H.E. Mr Abiodun Richards Adejola (Government member, Nigeria) as Chairperson. Ms Renate Hornung-Draus, Employer member from Germany, was the spokesperson for the Employers' group and Ms Catelene Passchier, Worker member from the Netherlands, was the spokesperson for the Workers' group.

Officers of the Governing Body

Chairperson:	H.E. Mr Abiodun Richards Adejola (Government, Nigeria)
Employer Vice-Chairperson:	Ms Renate Hornung-Draus (Germany)
Worker Vice-Chairperson:	Ms Catelene Passchier (Netherlands)

Chairing and speaking responsibilities by section

Institutional Section (INS)

Chairperson: H.E. Mr Abiodun Richards Adejola (Nigeria)

Item	Employer spokesperson	Worker spokesperson
INS/1	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/2	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/3	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/3/1	Mr Blaise Matthey (Switzerland)	Ms Amanda Brown (United Kingdom)
INS/3/2	Mr Guido Ricci (Guatemala)	Mr Magnus Norddahl (Iceland)
INS/3/3	Ms Jacqueline Mugo (Kenya)	Ms Toni Moore (Barbados)
INS/3/4	Ms Jacqueline Mugo (Kenya)	Mr Ayuba Wabba (Nigeria)
INS/4	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/5	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/6	Ms Anne Vauchez (France)	Ms Lily Chang (Canada)
INS/7	Mr Fernando Yllanes (Mexico)	Mr Jeffrey Vogt (United States)
INS/8	Mr Kris De Meester (Belgium)	Ms Paola del Carmen Egúsqiza Granda (Peru)
INS/9	Ms Jacqueline Mugo (Kenya)	Ms Akiko Gono (Japan)
INS/10	Mr Fernando Yllanes (Mexico)	Mr Jeffrey Vogt (United States)
INS/11	Mr Fernando Yllanes (Mexico)	Ms Catelene Passchier (Netherlands)
INS/12	Ms Renate Hornung-Draus (Germany)	Mr Jeffrey Vogt (United States)
INS/13	Ms Renate Hornung-Draus (Germany)	Ms Amanda Brown (United Kingdom)
INS/14	Ms Renate Hornung-Draus (Germany)	Mr Jeffrey Vogt (United States)
INS/15	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/16	Mr Tom Mackall (United States)	Ms Amanda Brown (United Kingdom)
INS/17	Ms Sonya Mohamed Janahi (Bahrain)	Ms Toni Moore (Barbados)

Institutional Section (INS)

INS/18	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/18/1	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/18/2	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/18/3	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/18/4	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/18/5	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/19	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/19/1	Mr Juan Mailhos (Uruguay)	Ms Catelene Passchier (Netherlands)
INS/19/2	Mr Fernando Yllanes (Mexico)	Ms Catelene Passchier (Netherlands)
INS/20	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)

Policy Development Section (POL)

Chairperson: ¹ Mr Karim Cisse (Senegal)

Employment and Social Protection Segment

Item	Employer spokesperson	Worker spokesperson
POL/1	Mr Hicham Zouanat (Morocco)	Mr Plamen Dimitrov (Bulgaria)

Social Dialogue Segment

Item	Employer spokesperson	Worker spokesperson
POL/2	Mr Juan Mailhos (Uruguay)	Mr Antonio de Lisboa Amâncio Vale (Brazil)
POL/3	Mr Henrik Munthe (Norway)	Mr Bheki Ntshalintshali (South Africa)

Development Cooperation Segment

Item	Employer spokesperson	Worker spokesperson
POL/4	Ms Jacqueline Mugo (Kenya)	Ms Amal El Amri (Morocco)

Legal Issues and International Labour Standards Section (LILS)

Chairperson: ¹ H.E. Mr Federico Villegas (Argentina)

International Labour Standards and Human Rights Segment

Item	Employer spokesperson	Worker spokesperson
LILS/1	Mr Kaizer Moyane (South Africa)	Ms Catelene Passchier (Netherlands)
LILS/2	Mr Hamidou Diop (Senegal)	Ms Amanda Brown (United Kingdom)

Programme, Financial and Administrative Section (PFA)

Chairperson: H.E. Mr Abiodun Richards Adejola (Nigeria)

Programme, Financial and Administrative Segment

Item	Employer spokesperson	Worker spokesperson
PFA/1	Mr Juan Mailhos (Uruguay)	Ms Eulogia Familia (Dominican Republic)

¹ Delegation of authority from the Chairperson (see paragraph 2.2.5 of the [Standing Orders of the Governing Body](#)).

Programme, Financial and Administrative Section (PFA)

PFA/2	Mr Pablo Dragún (Argentina)	Ms Catelene Passchier (Netherlands)
PFA/3	Mr Blaise Matthey (Switzerland)	Mr Plamen Dimitrov (Bulgaria)

Audit and Oversight Segment

Item	Employer spokesperson	Worker spokesperson
PFA/4	Mr Khelil Ghariani (Tunisia)	Ms Annette Chipeleme (Zambia)
PFA/5	Mr Pablo Dragún (Argentina)	Ms Annette Chipeleme (Zambia)
PFA/6	Mr Hamidou Diop (Senegal)	Ms Annette Chipeleme (Zambia)

Personnel Segment

Item	Employer spokesperson	Worker spokesperson
PFA/8	Mr Blaise Matthey (Switzerland)	Mr Magnus Norddahl (Iceland)
PFA/9	Mr Blaise Matthey (Switzerland)	Mr Magnus Norddahl (Iceland)
PFA/10	Mr Blaise Matthey (Switzerland)	Ms Catelene Passchier (Netherlands)
PFA/11	Mr Blaise Matthey (Switzerland)	Ms Catelene Passchier (Netherlands)

Other bodies**Committee on Freedom of Association**

Chairperson: Mr Evance Kalula (Zambia)

Government spokesperson	Employer spokesperson	Worker spokesperson
Ms Petra Herzfeld Olsson (Sweden)	Mr Thomas Mackall (United States)	Ms Amanda Brown (United Kingdom)

► Institutional Section**Opening remarks**

- The Chairperson** welcomed participants to the 349th Session of the Governing Body, which promised to be impactful and offered the opportunity to reflect on global developments in relation to the world of work. In the light of the ILO's responsibility to provide a supervisory and regulatory framework to confront emerging challenges in the world of work, the outcome of the deliberations held during the session should inspire hope of a better life for workers across the globe. Respect and mutual tolerance would help the Governing Body to navigate the coming discussions. As the custodian of social dialogue and consensus building, the Organization was called on to demonstrate its capacity to resolve impasses and strengthen the supervisory mechanism to protect workers, employers and governments.
- In particular, consideration would be given to updates on the Global Coalition for Social Justice; the Governing Body must heed the call for the sharing of the benefits and opportunities of the fourth industrial revolution among working people who lacked social protection. Furthermore, additional discussions would be held on the dispute concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with a view to making appreciable progress on the matter.

4. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in Appendix I.
5. **The Worker Vice-Chairperson** said that the Governing Body was meeting in dark times, with military oppression in Myanmar, Russian aggression in Ukraine, insurgencies in the Sahel region and northern Africa, military coups in West and Central Africa, the military offensive by Azerbaijan in Nagorno-Karabakh and the escalation of conflict in Israel and Palestine. Innumerable victims had fallen in the latter conflict and ordinary people and workers continued to be its biggest victims. Major investment by all in social justice and peace was needed to end the vicious circle of suffering and violence on both sides, and the ILO had an important role to play in that regard. The Workers' group condemned all violence and pleaded for peace. The attack of Hamas on Israeli villages and citizens must be condemned in the strongest terms; nothing could justify the atrocities inflicted on thousands of people. The ongoing, indiscriminate bombing by Israel of Gaza and the West Bank must also be condemned in the strongest terms; the attack by Hamas could not legitimize the destruction and disproportionate retaliation against the Palestinian people in Gaza as a form of collective punishment.
6. A further worrying development was that almost 200,000 Palestinian workers employed in Israel were at risk of losing or had lost their jobs. The Palestinian General Federation of Trade Unions had received thousands of reports of Gazan workers who were facing expulsion to the West Bank and many were reportedly being detained at a military camp in degrading and inhumane conditions. She joined her voice to the call of the United Nations (UN) General Assembly for an immediate ceasefire in the Gaza Strip and Israel and genuine efforts towards a sustainable peace, including the immediate and unconditional release of all civilians being held captive illegally. Greater efforts were needed to secure immediate and sustained humanitarian access to Gaza; she called on the ILO and the international community to respond to the calls of the Palestinian General Federation of Trade Unions for greater emergency support through the provision of emergency shelter, basic necessities and income support to affected workers and their families.
7. All parties must fully comply with their obligations under international law, including international humanitarian and human rights law, violations must be recorded and investigated and those responsible held to account. The conflict risked expanding into the region and beyond; the trap of ever-spiralling military response and counter response must be avoided. The Workers' group called on world leaders to take urgent steps to initiate dialogue and broker a peaceful solution to the crisis; renewed diplomatic efforts were needed towards the establishment of a two-State solution, as agreed in UN Security Council resolutions 242 of 1967 and 338 of 1973. No peace was possible without an independent Palestine that provided space for Palestinians and their families to live and work. The illegal occupation of Palestinian territories must end. Land-grabbing through illegal settlements on the West Bank was also an urgent matter since it created a de facto situation in which a two-State solution became ever more unrealistic. Children in Israel and in Palestine must have real hope of a future without war and destruction. She offered condolences to those who had lost loved ones or been injured or traumatized and expressed solidarity with children, civilians and trade unionists affected by violence in Palestine and in Israel and to all workers affected by the conflict. The Workers' group stood by them and would do its best to ensure that the ILO provided as much support as possible within its mandate on social justice for peace.
8. Concerning Convention No. 87, the aim of the Workers' group was to ensure that workers continued to enjoy its protection with regard to the right to strike. It had been forced to demand that the dispute be referred to the International Court of Justice (ICJ) due to the failure

to find a solution through dialogue over a period of 12 years. The challenging of the right to strike had an enormous impact on workers and undermined the ILO supervisory system, which found it increasingly difficult to provide the guidance required on the implementation of Convention No. 87 concerning the right to strike. Referral to the ICJ for decision was not an external procedure but an obligation set out in article 37.1 of the ILO Constitution as the means of resolving disputes on interpretation. It was high time to settle the legal elements of the dispute to ensure fundamental rights for workers and, also for employers, through safeguarding freedom of association and the corollary for workers, the right to strike. She called on all constituents not to allow the debate on the right to strike to jeopardize work on the rest of the important agenda before the Governing Body.

9. The Workers' group welcomed the strategy on collective bargaining, which was another fundamental right. Collective bargaining must remain the focus, rather than a broader notion of social dialogue. Her group wished to work together with other members of the Governing Body for the Global Coalition for Social Justice, particularly in a context where social justice for peace was more important than ever. Discussion of how to make the ILO a leading force in that matter in the context of the UN World Social Summit in 2025 was another area for cooperation. Other matters of particular importance included the conclusions of the 111th Session (2023) of the International Labour Conference on labour protection, and the many country cases on the application of labour standards, in particular the report of the Commission of Inquiry concerning Myanmar. Indeed, the country cases showed the essential value of the ILO supervisory system.
10. She joined her voice to the call of the Director-General for the ILO to be a leading voice in dark times. Conflicts should be resolved through the rule of law and the ILO must set an example. She welcomed the opportunity to work with all members to find the way forward, which sometimes involved recognizing that a dispute existed and that the help of others was needed to resolve it. Such an approach would provide a good basis for addressing all topics of importance to the world of work.
11. **The Employer Vice-Chairperson** noted that the Director-General was guiding the Office through a difficult moment, as conflict and social and economic instability put pressure on the international community and the multilateral system. She joined her voice with that of the Director-General to express solidarity and empathy with all victims of unacceptable acts of violence in recent weeks. The Employers' group was deeply saddened by the loss of lives amid the violence, and supported the efforts of the Office to provide emergency assistance once that was possible. Her group condemned all acts of violence aimed at civilians, including all acts of terrorism and indiscriminate attacks, and all acts of provocation, incitement and destruction. Lasting peace, the basis of economic and social development, was only possible based on respect for the multilateral system, international law and the values on which the UN was built.
12. The ILO did not escape the pressure on the international community to build economic resilience and social justice for all. The contribution of the tripartite constituents lay in the Organization's capacity to build consensus and find joint responses to current and emerging challenges, amid social unrest and a rapidly changing labour market and employment situation. The role of multilateralism and the added value of the ILO with its tripartite constituents in advancing social justice was clear. Effective and timely action demanded trust among constituents and towards the Organization, and commitment to its principles of social dialogue and tripartism. Business and employers' organizations were integral to the solutions needed to address those challenges, must be a part of national and international policymaking, and were key allies for governments and workers' organizations in developing a solid labour

market and social protection institutions, creating an enabling environment and advancing economic development, employment and justice.

13. The Governing Body had difficult items before it at its 349th Session. The ILO would be marked by its ability to stand for social dialogue and find consensus solutions, in keeping with its working methods, described by the Organization on its website as the tripartite structure giving equal voice to workers, employers and governments to ensure that their views were closely reflected in labour standards and in shaping policies and programmes. The Employers' group regretted, however, what the Organization had become in recent months, with efforts to establish proper procedures and governance seemingly abandoned and the values of tripartism and social dialogue apparently forgotten. Her group was worried to see that the Office had worked on an agenda that selectively favoured one constituent, and had made use of unacceptable, ad hoc procedures. Furthermore, the Director-General appeared to have accepted the imposition of a unilateral external approach to resolving the dispute on the right to strike, rather than honouring his campaign promise of a dialogue-based solution. Inconsistency in legal opinions was another cause for concern. If the Organization continued to depart from its agreed working methods, including on the establishment of the agenda of the Governing Body, the damage done would be irreparable.
14. It was a further cause of concern that the ILO was losing its leading role in social dialogue and leaving it to other organizations. The discussion on the right to strike must be conducted properly, with good governance, and include all constituents and all interested governments and make use of all dialogue options. She called on the Director-General and the Chairperson of the Governing Body to exercise their leadership to protect the Organization from damage by restoring the values of tripartism and social dialogue during the difficult discussions ahead, in particular at the two special sessions of the Governing Body to be held following the close of its 349th Session. Efforts to seek consensus were expected from all actors, particularly the Chairperson of the Governing Body. The Employers' group would consider it a disaster for the Organization were the leadership to support a first vote or unilateral decision on that issue rather than work to find consensus. She did not wish to witness a repeat of that trend, observed at previous sessions of the Governing Body and in the Screening Group.
15. The discussions and outcomes of those special sessions would have an impact on the configuration of future agendas of the International Labour Conference. The Employers' group had presented a proposal for the inclusion of a standard-setting item on the Conference agenda at the earliest possible moment and had suggested that the topic be addressed at the 112th Session in 2024, in view of the urgency attached to it by other constituents. Her group stood ready to take immediate action and emphasized that the most important matter was to preserve the relevance of the ILO and the value of tripartism in delivering an effective, legitimate and universally agreed solution to the long-standing dispute on the right to strike.
16. Concerning the Director-General's initiative to forge a Global Coalition for Social Justice, discussions had indicated that the initiative would promote action for social justice with social dialogue as one of its main pillars. Her group had engaged constructively on the initiative and its operationalization. Further improvements in the governance structure of the Coalition and the topics will have to be made. A key question remained to be addressed, namely, the approach of the ILO and its constituents to social dialogue as an underlying condition in the provision of responses to social justice and the challenges of the world of work.
17. The increasing number of country cases under consideration raised concerns about the use made of the supervisory system and the workload it created for the Governing Body, which was the governance institution of the Organization. Although some of the country cases

represented issues of particular concern for employers and workers, a way forward was needed that made better use of the resources of the Governing Body and its members. The Employers' group looked forward to a difficult but productive session, and would continue to defend the ILO's values and engage constructively for a more relevant and impactful Organization.

- 18. Speaking on behalf of the Government group**, a Government representative of Namibia said that her group looked forward to participating in the 349th Session of the Governing Body and expressed her gratitude for the work of all involved in the preparations for the session. Particular attention to time-keeping was needed in order to make progress on the agenda without the need for extended sittings and to avoid repetition of the experience of the 347th Session when six hours were lost due to late starting of the sittings.

1. Approval of the minutes of the 348th Session of the Governing Body (GB.349/INS/1)

Decision

- 19. The Governing Body approved the minutes of the 348th Session.**
(GB.349/INS/1, paragraph 2)

2. Agenda of future sessions of the International Labour Conference (GB.349/INS/2)

- 20.** The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office:
- The Workers' group proposed deleting "OR of the 115th Session (2027)" from subparagraph (a); deleting subparagraph (b) in its entirety; and deleting "the 355th Session of the Governing Body (October–November 2025) OR" from subparagraph (c).
 - The Employers' group proposed adding, after "requested the Office to take into account the guidance provided" in subparagraph (f), the words "the 349th *bis* and 349th *ter* (Special) Sessions".
- 21. The Worker spokesperson** emphasized that follow-up to the recommendations of the Standards Review Mechanism (SRM) was a matter of institutional priority, yet only one standard-setting items of the four it had recommended in relation to occupational safety and health (OSH) in 2016 had been placed on the agenda of the Conference. The Workers' group therefore supported holding the first standard-setting discussion on chemical hazards in 2026, which had been supported by the vast majority of Governments during the 347th Session of the Governing Body.
- 22.** The group did not support the inclusion on the agenda of the 2026 session a general discussion on harnessing the fullest potential of technology for decent work. It was strongly advisable to wait for the outcome of the standard-setting discussion on the platform economy, which was closely linked to the use of technology. Furthermore, the conclusions on labour protection had called for further work on the impacts of digitalization, including artificial intelligence and algorithmic management, on labour protection. Any discussion on harnessing technology should encapsulate all of the ways in which the world of work was affected by new technologies, to protect labour rights and workers' well-being and address gaps in regulatory frameworks emerging from the rapidly changing digitalization of workplaces.

23. The group invited the Governing Body to consider including an item on a general discussion entitled “the transformative agenda for gender equality”, called for in the ILO Centenary Declaration for the Future of Work, 2019, on the agenda of a future session at the first available opportunity, provided that it did not replace any standard-setting items. The discussion should provide the ILO with action-oriented guidance on the achievement of gender equality. The group asked the Office to provide the Governing Body, at its 350th Session, with an update on action taken in connection with the transformative agenda for gender equality to enable it to take an informed decision on the value of including such an item for a general discussion on the agenda of a future session of the Conference.
24. In relation to the two remaining standard-setting items on OSH in the context of follow-up to the recommendations of the SRM, the group was in favour of a double discussion for standard-setting on ergonomics, in 2028 and 2029, after the double discussions of biological hazards and of chemical hazards, to avoid having more than one OSH-related standard-setting item on the agenda of any one session. For the same reason, the group would support the inclusion of a single standard-setting discussion on the guarding of machinery on the agenda of the 118th Session (2030), preceded by a technical preparatory meeting in 2029.
25. The group supported the purpose, date, place, length and composition of the proposed tripartite technical meeting on access to labour justice for all. Strong and efficient institutions for dispute prevention and resolution, including labour courts, were an essential part of the effective enforcement of labour rights and currently no single international labour standard addressed all relevant aspects. As to the long list of intergovernmental organizations to be invited, the group stressed the importance of ensuring that extensive participation of external organizations did not undermine the role and participation of the social partners.
26. Noting the assessment by the Office that the principles underpinning the ILO code of practice on the protection of workers’ personal data (1996) remained relevant and the budgetary and time constraints of organizing a meeting of experts on the topic, the group supported the proposal to postpone a decision relating to the convening of such a meeting until a future Governing Body session. Indeed, it would be beneficial to postpone the convening of any such meeting until after the platform work and harnessing of technology discussions had taken place.
27. The ILO had already organized a meeting of experts on wages and had been called on to convene meetings on working time and on the impacts of extreme weather events and climate changing patterns on occupational safety and health. A meeting of experts on trainees and interns might also be required, and the SRM had recommended holding a tripartite meeting on paternity and parental protection. Furthermore, the Governing Body had approved a tripartite discussion on decent work in supply chains, which the Workers’ group considered must take the form of a standard-setting item.
28. The group asked the Office to report to the Governing Body at its 350th Session on actions taken to implement the conclusions of the technical meeting on the protection of whistle-blowers in the public service and to provide the information necessary to enable the Governing Body to decide on the format of a standard on the protection of whistle-blowers.
29. The group reiterated its support for a consideration by the Governing Body of the modalities of recurrent discussions. Such consideration should enhance the linkages between recurrent discussions and the ILO normative agenda in line with the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022. In view of the need to take into account the outcomes of various UN summits, including the World Social Summit in 2025, such a discussion would preferably be scheduled for the 355th Session (October–November 2025) of the

Governing Body. The Workers' group sought the Office's guidance on when would be best to hold that discussion in order to leave sufficient time before the first recurrent discussion under the new cycle in 2026.

30. Lastly, she asked the Employers' group to clarify its proposal to amend the draft decision to request the Office to take into account the guidance provided specifically in the 349th *bis* and 349th *ter* (Special) Sessions but not the 349th Session.
31. **The Employer spokesperson** emphasized that the Governing Body must wait until the 349th *bis* and 349th *ter* (Special) Sessions had been held before taking any definitive decisions on the agendas of future sessions of the Conference, as one potential outcome was the inclusion on the agenda of the Conference at the earliest opportunity of an additional standard-setting item on the right to strike.
32. All standard-setting items must take the form of double discussions, as indicated in the Compendium of rules applicable to the Governing Body. Single discussions placed a serious strain on the Office and its constituents. Furthermore, having more than one standard-setting item at a given session should be avoided.
33. Although the Employers' group had previously spoken in support of placing a standard-setting item on chemical hazards on the agenda as soon as possible, it was now open to placing the item on the agenda a year later, in 2027 and 2028, in order to accommodate more urgent items; however, it must remain a double discussion. Each of the standard-setting items relating to OSH must also be a double discussion to allow sufficient time for negotiation, especially given the complexity of the topics; the group wished to wait for the outcomes of the special sessions before taking a decision. The group continued to support the early inclusion of an item on harnessing the fullest potential of technology for decent work on the agenda of the Conference, but given the potential impact of the result of the special sessions, could be flexible on which session.
34. The group was open to considering a tripartite technical meeting on access to labour justice for all, in view of the relevant research presented in Appendix I to GB.349/INS/2 and the proposal outlined in Appendix II. As to the protection of whistle-blowers in the public service sector, the group believed that no further action should be taken until the Office had made progress in implementing the recommendations made by the technical meeting on that subject held in September 2022. The Office should make efficient use of resources to do so and should inform the Governing Body of any developments.
35. The ILO code of practice on the protection of workers' personal data remained relevant and most countries had a solid regulatory framework on data protection. That, combined with the strong correlation with the two items on the platform economy and harnessing technology, had convinced the Employers' group that an item on the protection of workers' personal data should be considered at a later stage.
36. The Employers' group was surprised to see the Office include in document GB.349/INS/2 a proposal concerning a standard-setting discussion on decent work in supply chains, as that proposal had seemingly not received sufficient support in previous discussions to merit further consideration. In any case, as the related strategy had been adopted only recently (in March 2023), more work was needed to inform any consideration by the Governing Body of a standard-setting discussion on that topic.
37. As to the modalities of recurrent discussions, the Employers' group was in favour of an evaluation of the Social Justice Declaration by the Conference, as it would allow for tangible recommendations to be made on how to include the new fundamental principle of a safe and

healthy working environment within the framework of the recurrent discussions. However, again, the group would remain flexible on the timing of that discussion, pending the outcome of the special sessions.

38. It must be made clear that, regardless of the outcome of the special sessions, the ILO must take further action in relation to the right to strike. The group called on the Office to present options, based on social dialogue, regarding industrial action, such as the possibility of holding a meeting of experts, a tripartite technical meeting on the different national mechanisms regulating industrial action or a general discussion at the Conference.
39. Lastly, in response to the Worker spokesperson's question on the Employers' group's proposed amendment, she said that the group had sought to ensure that the guidance provided during the special sessions as well as during the current session would be taken into account. The group would therefore be willing to subamend its proposed amendment to read "349th, 349th *bis* and 349th *ter* Sessions".
40. **Speaking on behalf of the Africa group**, a Government representative of Niger called on Governing Body members to remain flexible, take a dynamic approach and make good use of the results achieved during previous sessions of the Conference to inform the work of future sessions, in accordance with the strategic and coherent approach. Due attention must also be paid to the different priorities across regions and Member States to ensure balanced decisions enjoying consensus.
41. For the remaining items to be placed on the agenda of the 2027 session, the Africa group supported the proposal to include an item on harnessing the fullest potential of technology for decent work for a general discussion, and a standard-setting item, in a double-discussion format, on the consolidation of instruments on chemical hazards. The group would also be in favour of including an item on decent work in supply chains as a second standard-setting item at that session. An item on harnessing technology would allow the ILO to consider how to ensure that technology, including artificial intelligence, contributed to the improvement of working conditions rather than threatened workers' employment. The ILO would thus be joining other UN organizations that had already been exploring the issue for some time. As to the items concerning standard-setting on ergonomics and manual handling and on guarding of machinery, the Africa group supported the default option of a double-discussion format. Discussions on the other matters, of the protection of whistle-blowers in the public service sector, the protection of workers' personal data and access to labour justice, should be advanced through the other tools at the Governing Body's disposal, such as meetings of experts and other tripartite meetings. However, more information about how such tools functioned would be helpful to inform the Governing Body's decisions.
42. Concerning the draft decision, the Africa group supported the option of the 115th Session (2027) of the Conference in subparagraphs (a) and (b), and the option of the 355th Session (October–November 2025) of the Governing Body in subparagraph (c).
43. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said that her group remained open to placing an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion on the agenda of the 2026 and 2027 sessions, which reflected the group's support for the recommendations of the SRM and reducing the backlog concerning recommendations on OSH, and also the elevation of a safe and healthy working environment to a fundamental principle. However, it was also open to deferring the decision to March 2024 in the light of the potential burden on Member States. With respect to a general discussion on harnessing technology, she stressed the importance of the topic, and would welcome it being placed on

the agenda at an appropriate time, but acknowledged the importance of making a holistic decision on scheduling standard-setting and general discussions, so was also open to considering it further in March 2024. She expressed support for the proposal to hold a tripartite technical meeting on access to labour justice in February 2025, but noted that no provisions had been made for it in the Programme and Budget for 2024–25 and requested the Office to keep the Governing Body informed on prospects for funding the meeting. She also requested the Office to submit an update to the Governing Body in October–November 2025 on its ongoing work on protection of whistle-blowers in the public service sector. Her group supported the proposals to provide an update on protection of workers' personal data in March 2024. Given the range of competing priorities, the group reserved its comments on the timing or format of potential items on ergonomics and manual handling and on guarding of machinery. Lastly, the group supported a review of the modalities of recurrent discussions at the March 2026 session of the Governing Body to allow time to take into account the outcomes of the related UN summits in 2023, 2024 and 2025.

44. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Mexico expressed support for the inclusion of a standard-setting discussion on decent work in the platform economy in 2024 and 2025 and a general discussion on innovative approaches to tackling informality and promoting transitions towards formality to promote decent work on the agenda of the 2025 session. Both topics were priorities for her region. The development of OSH standards on ergonomics and manual handling, guarding of machinery and chemical hazards should be included promptly but strategically on the agenda of future sessions to accelerate follow-up on recommendations of the SRM and to support the recent inclusion of a safe and healthy working environment as a fundamental principle.
45. She supported the inclusion of a standard-setting item on the consolidation of instruments on chemical hazards on the agenda in 2027 and 2028. Her group's view on the agenda for 2027 would be informed by the Governing Body's examination of output 5 of the ILO strategy on decent work in supply chains in 2025, in particular regarding initiatives that could complement the body of international labour standards. In principle, the group supported the proposal to initiate the double discussion on standard-setting on ergonomics and manual handling in 2028 and standard-setting on guarding of machinery in either 2030 or 2031. Her group could support the scheduling of a general discussion on harnessing technology for decent work in 2028, which would allow time to consider the outcomes and initial implementation of the standard on decent work in the platform economy to be adopted in 2026.
46. To ensure coherence with other processes in the UN system, the discussion of the modalities of recurrent discussions should be considered by the Governing Body in March 2026. Her group supported the proposals for a tripartite technical meeting on access to labour justice, but would appreciate further information on its financial viability, given that it had not been included in the Programme and Budget for 2024–25. The group would reserve its position on the draft decision and the proposed amendments until later in the discussion.
47. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of France underscored the importance of following up on the recommendations of the SRM when setting the agenda for the International Labour Conference. He expressed support for holding a double discussion on a standard-setting item on OSH protection against chemical hazards in 2026 and 2027, although it must be an exception given the challenges involved in the organization of parallel standard-setting discussions. His group wished to maintain the option of scheduling a standard-setting discussion on decent work in supply chains in 2027, depending on progress made on the ILO

strategy on decent work in supply chains and the update to be provided to the Governing Body in March 2025. He requested the Office to provide information on potential overlap and synergies between the standard-setting discussions on decent work in the platform economy and the general discussion on harnessing the fullest potential of technology for decent work.

48. His group supported the proposal for the Governing Body to hold a discussion on the modalities of recurrent discussions and remained flexible as to whether that would be in October–November 2025 or March 2026. Further details on the Office's upcoming work on protection of whistle-blowers in the public service would be welcomed. He expressed support for the time frame and budget for the proposed tripartite technical meeting on access to labour justice for all, and asked for further information to be provided at the 350th Session of the Governing Body on the time frame and resources to be allocated to the proposed meeting of experts on protection of workers' personal data in the digital era.
49. **A Government representative of Barbados** said that recent developments in the world of work, in particular the increasing focus on artificial intelligence, had demonstrated the value of holding standard-setting discussions on decent work in the platform economy in 2025 and 2026. An item on harnessing the fullest potential of technology for decent work should be included on the agenda of the Conference at the earliest feasible opportunity, although not at the same time as discussions on the platform economy.
50. It would be crucial to approve the proposal for a tripartite technical meeting on access to labour justice for all at the current session of the Governing Body. More focused work on labour justice was needed, particularly for small island developing States and least developed countries. The Organization's calls for access to labour justice would ring hollow if the impact of its efforts to champion social justice was not felt at the workplace level. Social justice and labour justice must be advanced in parallel.
51. **A Government representative of Eswatini** expressed support for the proposal to hold a tripartite technical meeting on access to labour justice for all and looked forward to the follow-up to that meeting, including the possibility of the topic's inclusion on the agenda of a future session of the Conference. Further guidance and action on access to labour justice for employers and workers were needed to achieve target 16.3 of the Sustainable Development Goals (SDGs). He commended the Office for supporting efforts to enhance labour dispute resolution systems in the Southern African Development Community, including the drafting of a model framework.
52. **A representative of the Director-General** (Director, International Labour Standards Department), responding to the question from the Workers' group on the timing of the review of the modalities of recurrent discussions, said that the earlier the Governing Body could provide its input, the easier it would be for the Office to implement its decision in preparation for the new cycle beginning as of the 114th Session (2026) of the Conference.
53. Responding to the questions on the funding for the proposed tripartite technical meeting on access to labour justice for all, she noted that the Office could usually finance such meetings from budgetary savings. If that was not possible, the Director-General would propose alternative financing methods.
54. **The Worker spokesperson** said that the Governing Body should be open to including more than one standard-setting item on the agenda of the Conference if there were a number of important issues for the Organization to address, provided that the Office had the capacity to manage the resulting workload. Indeed, there had been six standard-setting items on the agenda of the first sessions of the Conference in 1919 and 1920. And while standard-setting

on OSH was indeed important, it was not the ILO's only area of concern. Furthermore, the Governing Body should be open to considering innovative approaches, which for certain subjects, such as guarding of machinery, could include holding a technical preparatory meeting followed by a single standard-setting discussion at the Conference.

55. Her group was strongly opposed to reopening decisions taken by the Governing Body on the standard-setting agenda unless there was an extremely important reason to do so. The Organization followed strict procedures for decision-making on standard-setting to ensure that the Office had sufficient time and capacity to make preparations and involve tripartite constituents in the process, including by sending questionnaires to Member States to ensure that they and their workers and employers could provide input.
56. While her group would prefer to hold the discussion on protection against chemical hazards in 2026, it could accept the proposal to hold it in 2027 or to defer the decision to March 2024. In its amendment to the draft decision, her group had proposed deleting subparagraph (b) not because it believed that the issue of harnessing technology for decent work was unimportant, but because many issues related to that discussion would be addressed in the standard-setting discussion on platform work. There would be ample opportunity to revisit the topic in future. Furthermore, her group had doubts regarding the title of the proposed discussion. There was also no need to hold a meeting on protection of personal data in the near future, as there were existing guidelines that remained relevant.
57. Her group remained flexible regarding the time frame for the Governing Body's review of the modalities of recurrent discussions. The item could be placed on the agenda of its 355th Session (October–November 2025), and if needed, the Governing Body could return to the matter at its 356th Session (March 2026), after the World Social Summit had taken place. She expressed hope that the Governing Body could approve at its current session the proposal to hold a tripartite technical meeting on access to labour justice for all, and noted that speakers had expressed their support for a discussion on global supply chains, an issue of importance to her group.
58. The Workers' group did not support the amendment to the draft decision proposed by the Employers' group, as it was superfluous. The Office should take into account all guidance provided by the Governing Body, and not just at its special sessions. However, if it was important to be specific, then subparagraph (f) should instead request the Office to take into account guidance provided at all sessions held in October–November 2023.
59. **The Employer spokesperson** reiterated that she would be in favour of clarifying in the group's proposed amendment that the guidance also included that of the current, 349th Session.
60. She conceded that, in 1919 and 1926, a number of standards had indeed been adopted at the same session of the International Labour Conference. However, those had been on narrower topics and the membership of the Organization and composition of the Conference at the time was less than a quarter of its current size; the format of its future sessions could not be compared to its earliest iterations. Her group would be flexible on holding more than one standard-setting item in 2024 only if the Workers' group agreed to a standard-setting item on the right to strike.
61. Her group did not support the amendment proposed by the Workers' group, as the Governing Body would be better placed at its 350th Session to take an informed decision on the agenda of forthcoming sessions of the Conference. She noted that the Governing Body had the authority not only to decide on the agendas of future sessions of the Conference beyond 2026 but also to revise the agendas of the 112th and 113th Sessions if it deemed it necessary, and

should therefore adopt a dynamic approach. The Worker spokesperson had said that the Governing Body must not reopen its previous decisions unless there was an extremely important reason to do so; the issue of the right to strike was one such example that would warrant a flexible approach. While her group respected the recommendations of the SRM, it was for the Governing Body to approve, reject or replace those recommendations as it saw fit and to decide when to add an item to the agenda of the Conference, taking a holistic and coherent approach to that decision in consideration of other priorities to be discussed.

62. **The Worker spokesperson** noted that the Employers' group had originally considered the issue of the right to strike not sufficiently urgent to include on the agenda of the current, ordinary session of the Governing Body. While her group understood that decisions on the agenda of future sessions of the Conference would need to be taken in March 2024, it would prefer the Governing Body to take a decision on the tripartite technical meeting on access to labour justice for all at its current session. Regarding the draft decision, she would prefer to maintain the original wording of subparagraph (f) and receive assurances from the Office that it would take into consideration all of the Governing Body's discussions when preparing the report for submission to its March 2024 session.
63. **The Employer spokesperson** responded that her group had treated the issue of the right to strike with urgency in order to accommodate the urgency with which the Workers' group had raised the subject at this Governing Body session.
64. **The representative of the Director-General** (Director, International Labour Standards Department) said she took it that the general consensus was to defer the final decision on subparagraphs (a) and (b) of the draft decision to the 350th Session of the Governing Body in March 2024, retaining the two options in each subparagraph. She would welcome clarification as to whether the Governing Body was ready to take a decision with regard to subparagraph (c). The majority seemed to be in favour of subparagraphs (d) and (e). With regard to subparagraph (f), all appropriate and relevant guidance provided by the Governing Body, including during the special sittings, would be taken into account in preparing the document concerning the agenda of future sessions of the Conference.
65. **The Worker spokesperson** withdrew her proposed amendment to subparagraph (c) of the draft decision, explaining that she was open to placing an item on the review of modalities of recurrent discussions on the agenda of the 355th Session of the Governing Body, perhaps followed by further discussion at its 356th Session. Whichever option was chosen, a decision should be made at the current session, rather than in March 2024, in order to help with the Office's scheduling.
66. **The Employer spokesperson** said that a decision regarding subparagraph (c) did not need to be made before March 2024. She proposed amending subparagraph (f) to include a specific reference to the two special sessions given that such sessions were rarely held.
67. **The Worker spokesperson** said that the wording of subparagraph (f) should be retained because the Office had clarified that all guidance would be taken into account. She wished to hear the Government group's views on the matter.
68. **The Employer spokesperson** said that she did not understand the Workers' objection to including a reference to the special sessions since it did not alter the substance of the subparagraph.
69. **Speaking on behalf of IMEC**, the Government representative of France proposed that the words "including in, as appropriate, the 349th *bis* and 349th *ter* (Special) Sessions" could be added to subparagraph (f).

70. **The Employer spokesperson** said that she had no objections to the subamendment proposed by IMEC.
71. **The Worker spokesperson** sought clarification as to whether the decision on the options set out in subparagraphs (a) and (b) had been deferred to March 2024.
72. **The representative of the Director-General** (Director, International Labour Standards Department) explained that subparagraphs (a) and (b) could be redrafted to reflect the fact that the decision had been deferred to the 350th Session of the Governing Body, while retaining the current wording of the options contained in the draft decision point.
73. **The Worker spokesperson** said that she would prefer to redraft those subparagraphs to clarify that the decision had been deferred to the 350th Session. The decision should not be postponed beyond March 2024.
74. **The representative of the Director-General** (Director, International Labour Standards Department) suggested that in subparagraphs (a) and (b) the words “defer to its 350th Session (March 2024) its decision to” should be inserted between “decided to” and “place”.
75. **Speaking on behalf of GRULAC**, the Government representative of Mexico expressed agreement with that suggestion.

Decision

76. **The Governing Body:**
 - (a) **decided to defer to its 350th Session (March 2024) its decision to place on the agenda of the 114th Session (2026) OR of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;**
 - (b) **decided to defer to its 350th Session (March 2024) its decision to place on the agenda of the 114th Session (2026) OR of the 115th Session (2027) OR of the 116th Session (2028) of the Conference an item on harnessing the fullest potential of technology for decent work for a general discussion;**
 - (c) **decided to defer to its 350th Session (March 2024) its decision to place on the agenda of the 355th Session of the Governing Body (October–November 2025) OR the 356th Session of the Governing Body (March 2026) an item on the review of modalities of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and requested the Office to take into account its guidance in preparing the document for discussion;**
 - (d) **endorsed the proposals made in Appendix II relating to the Tripartite Technical Meeting on Labour Justice for All and decided that the cost of the Meeting, estimated at US\$266,878.59, be financed, in the first instance, from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium;**
 - (e) **requested the Office to present further proposals on the scope, timing and resourcing of a meeting of experts on the protection of personal data in the digital era to its 350th Session (March 2024);**
 - (f) **requested the Office to take into account the guidance provided, including in, as appropriate, the 349th *bis* and 349th *ter* (Special) Sessions, in preparing the**

document concerning the agenda of future sessions of the Conference for its 350th Session (March 2024).

(GB.349/INS/2, paragraph 52, as amended by the Governing Body)

3. Matters arising out of the work of the 111th Session (2023) of the International Labour Conference

3.1. Plan of action for the implementation of the Quality Apprenticeships Recommendation, 2023 (No. 208) (GB.349/INS/3/1)

- 77. The Employer spokesperson** commended the smooth negotiation and adoption process of the Quality Apprenticeships Recommendation, 2023 (No. 208). He expressed the hope that the quality of tripartite dialogue in the Standard-Setting Committee on Apprenticeships would set a benchmark for future standard-setting negotiations. The Recommendation would have many benefits, including ensuring that apprentices would thrive, raising awareness and increasing the attractiveness and status of apprenticeships. Apprenticeships were a time-tested model of training; the proposed plan of action for the implementation of Recommendation No. 208, articulated around four components, would ensure that apprenticeships were of high quality globally.
- 78.** Concerning the first component, awareness-raising and advocacy, his group welcomed collaboration with partners worldwide to share the value of apprenticeship. It was vital to challenge perceptions that cast apprenticeship as an inferior career path. Using and strengthening existing organizations and networks, and involving them in awareness-raising activities, would help to counteract such perceptions. He commended the priority given to policy advocacy on apprenticeships by ILO field and headquarters specialists. His group was ready to support policy advocacy activities at the national or regional levels to mainstream quality apprenticeships in national development strategies.
- 79.** Regarding policy advice, development cooperation and capacity development, the Office should provide training for governments and workers' and employers' organizations to ensure the effective implementation of the Recommendation. It would be important to update and strengthen existing knowledge products from the ILO and International Training Centre of the ILO. Developing resource persons from workers' and employers' organizations would ensure buy-in, enhance dissemination and grant access to practical workplace expertise.
- 80.** As to knowledge development and dissemination, he welcomed the proposal to generate evidence on effectiveness, emerging trends and the role of apprenticeships in the green and digital transitions. That would support the development of coherent policies to promote and incentivize apprenticeships.
- 81.** With regard to international cooperation and partnerships, partnerships would transform the joint vision of broadened prosperity for all apprentices and access to employment into a reality. He agreed with the need to mobilize additional resources and expand the traditional development cooperation partner base. His group supported the draft decision.
- 82. The Worker spokesperson** echoed the positive comments made by the Employer spokesperson regarding the standard-setting process. However, it was disappointing that the scope of Recommendation No. 208 had not been extended to include trainees and interns, leaving a normative gap and not addressing unacceptable working conditions faced by many.

83. Regarding awareness-raising and advocacy, she welcomed the ambitious plan to promote the Recommendation. However, materials developed to do so should be accessible and practical, taking account of different traditions of apprenticeship and terminology. Close collaboration with social partners was welcome, and it would be important to leverage knowledge from within employers' and workers' organizations. The proposed plan of action did not contain sufficient guidance on practical workplace measures, including to support collective bargaining and workplace agreements. She welcomed plans to target communication at employers, workers and apprentices, noting that the role of trade unions in representing apprentices' interests was also important. Highlighting protections for apprentices would make apprenticeships more attractive. She proposed launching a media campaign, a free massive open online course and a World Youth Skills Day theme on rights at work for apprentices. She supported the proposed creation of an annotated guide and other guidance to ensure that all ILO officials involved in awareness-raising and advocacy were aware of the content of the Recommendation. She proposed developing a short training programme, which would integrate information on other relevant international labour standards. Understanding fundamental rights was of particular importance.
84. Concerning policy advice, development cooperation and capacity development, the provision of technical assistance by the Office was vital. She asked whether there would be a focus on activities at the sector and enterprise levels, as well as at the national level, for example to ensure the tripartite development and implementation of sector-specific ratio of apprentices to workers. The Office should develop templates and checklists of elements to be included in collective agreements and enterprise action. Recognizing that building a national system would involve multiple ministries and actors, she highlighted the need to work in areas such as core education, vocational education, labour inspection, social protection, occupational safety and health, and public and private employment services.
85. In terms of knowledge development and dissemination, the planned research would highlight the role of apprenticeships in the green and digital transitions and in formalization, and would examine the effectiveness of apprenticeships. For her group, apprenticeships were successful if they allowed the apprentice to work in their chosen area, develop further skills, or choose further learning, and to contribute to the workplace. The perspectives of social partners should be included in that research. Financing models and incentive schemes should be studied to determine whether they improved outcomes for apprentices, and whether such schemes were exploited, leading to a higher turnover of apprentices.
86. Her group supported the Office's planned work under the final component, international cooperation and partnership.
87. Recognizing the ambitious nature of the proposed plan of action, she asked the Office to provide further clarification regarding the additional funding required for its implementation and any anticipated challenges. Finally, while her group had agreed with the decision to focus the standard on apprenticeships, she asked how the Office planned to address the resulting normative gap concerning protections for trainees. Her group supported the draft decision.
88. **Speaking on behalf of GRULAC**, a Government representative of Mexico welcomed the institutional dimension of the proposed plan of action, which would ensure that Recommendation No. 208 was fully incorporated into national legislation, collective agreements and public policies, with particular reference to training and certification. Systems to recognize prior learning and skills were valuable, and existing national mechanisms should be strengthened to incorporate that area of work.

89. Her group supported the four interrelated components of the proposed plan of action. Awareness-raising and advocacy was a key factor in the local and regional implementation of the Recommendation. That would also require the development of sectoral guidelines to promote linkages between apprenticeships and collective agreements. Awareness-raising activities should also target political actors, to facilitate the creation of necessary legislative frameworks. The Office should also consider the feasibility of implementing the provisions of the Recommendation in the popular economy. Social dialogue was an appropriate framework for awareness-raising.
90. Concerning policy advice, development cooperation and capacity development, implementing the Office's proposal would strengthen the capacity of all government and non-State actors to implement the Recommendation. Regarding knowledge development and dissemination, the outcome of the 21st International Conference of Labour Statisticians should be used to agree a framework for knowledge transfer and the analysis of public and sectoral data. Thus, decisions could be made on the basis of evidence.
91. In addition, there was a need to review the institutional and legislative framework of each country against the provisions of the Recommendation, so as to identify areas for improvement or normative gaps. The Office should also work with social partners to ensure that they could appropriately contribute to the implementation of the Recommendation. GRULAC supported the draft decision.
92. **Speaking on behalf of the Africa group**, a Government representative of Algeria welcomed the proposed plan of action. The planned global awareness-raising campaign to promote Recommendation No. 208 would need to take into account linguistic and cultural diversity, especially in Africa, to ensure that it was relevant and subsequently incorporated into national development policies. Including representatives from civil society, youth organizations and local communities in awareness-raising activities would guarantee inclusiveness. He supported the proposed provision of technical assistance, which should be tailored to address specific needs and challenges. He proposed establishing regional centres of excellence on apprenticeships and skills development in Africa, to enable the development of quality apprenticeships in the region. It was also necessary to strengthen the ILO's resources on apprenticeships, and ensure that the Office's resource mobilization efforts took into consideration specific regional needs. The capacity of training institutions in Africa should be strengthened; he therefore proposed creating an online platform to share resources adapted to the African context and facilitate sharing of best practice. He called for the promotion of the Recommendation across African apprenticeship networks and for the creation of specific partnerships to support the implementation of the Recommendation in Africa, with particular regard to research projects on the effectiveness of quality apprenticeships at the regional, national and sectoral levels and their role in the digital and green transitions. His group supported the draft decision.
93. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran welcomed the guidance provided by Recommendation No. 208 but requested more practical examples for implementing the principles in regional and national contexts. Innovative financing models should enhance access to apprenticeships for young people from vulnerable groups. It was important to link skills development to wider employment policies and private sector partnership. Online platforms should be leveraged for training and communication, as well as to create networks for apprentices to share experiences. There should be clear targets for outreach to those in rural and nomadic communities and persons with disabilities. Informal apprenticeships should also be transitioned into the formal labour market. Workers should be

trained to work with new technologies in order to enhance job security. Lastly, impact indicators should go beyond the number of apprenticeships created.

94. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Spain said that Albania, Republic of Moldova, Montenegro, Serbia, Ukraine, Iceland, Norway and Armenia aligned themselves with her statement. The EU and its Member States commended the plan of action and welcomed the diverse approaches it contained to promote the transition from informal to formal employment. That said, apprenticeships should be of high quality to protect against exploitation and benefit employers. She commended the emphasis on tripartite collaboration to enhance apprenticeship programmes, noting that employers were well-placed to assess labour market needs and ensure that apprenticeship models were aligned to evolving demands. The plan of action should not disregard the need to address challenges facing traditional apprenticeship professions, such as worker shortages, digitalization and decarbonization. Recognizing the need to make apprenticeships more attractive and modern, she noted the need to keep pace with changing vocational profiles and consider sector-specific approaches.
95. Apprenticeship programmes were of strategic value and, as such, should be better promoted and continually enhanced. Promoting exchanges between apprentices and training companies would contribute to that goal, as would developing international partnerships. She welcomed the emphasis on the availability, quality and comparability of data on apprenticeships, and the Office should work with constituents to identify parameters and quantitative or qualitative collection methods, while taking advantage of synergies with existing international data sources in the field of vocational education. Welcoming the measures proposed to facilitate the implementation of Recommendation No. 208, she called on the Office to enable the constituents to contribute to the proposed annotated guidance document. She expressed the hope that information and best practice would be shared. Her group supported the draft decision.
96. **A Government representative of Colombia** said that the guidance, tools and materials to be developed by the Skills and Employability Branch of the Employment Policy Department should take into account the wide range of national situations and experiences. He outlined steps taken to promote apprenticeships and incorporate protections for apprentices into labour law in his country, where the national recognition of prior learning model had, for the first time, been extended to coffee pickers. He emphasized the importance of prioritizing resource mobilization, in collaboration with the regional offices. He supported the draft decision.
97. **A Government representative of Indonesia** described the measures taken in his country on apprenticeships, which included the incorporation of ILO Recommendations in national regulations and collaboration across sectors to foster quality apprenticeships. His Government welcomed the plan of action for the implementation of Recommendation No. 208 and was committed to aligning national regulations with the new aspects introduced by that Recommendation. Impact evaluation was crucial to assessing the effects of policies and programmes and should be used to identify trends and evolution in apprenticeships. He encouraged the Office to continue working closely with national tripartite actors to enhance their capacity to implement ILO Recommendations.
98. **A Government representative of the United States of America** welcomed Recommendation No. 208 and the plan of action, highlighting the proposals set out in paragraphs 23 and 28 of the document on the development of targeted awareness-raising materials, which should boost the perception of apprenticeships as an attractive career pathway for workers from all backgrounds. She also welcomed the initiative, proposed in paragraph 43, to develop a

template for a model apprenticeship agreement, and the focus in the plan of action on knowledge development and dissemination. It was to be hoped that research on the role of apprenticeships in the green and digital transitions would inform the promotion of decent work through those transitions. The initiative set out in paragraph 50 on the recognition of apprenticeship qualifications was also welcome. The timing of the adoption of the Recommendation and the plan of action coincided with efforts by her Government to update the regulations on labour standards for registered apprenticeship programmes.

99. **A Government representative of India** expressed her Government's commitment to strengthening its apprenticeship programmes and promoting inclusive and diverse opportunities for all. She supported the four components on which the plan of action was based. Skills development in apprenticeship training programmes must be aligned with industry requirements and technological advancements; the Office should provide the appropriate technical assistance to Member States. Special attention was required to ensure opportunities for marginalized communities, women and persons with disabilities, and digital tools and technologies should be leveraged to enhance the accessibility and effectiveness of apprenticeship programmes. Online capacity-building programmes and a knowledge base of international best practices on policy to promote quality apprenticeships would be helpful. Incentives for businesses to participate in apprenticeship programmes and industry-specific apprenticeship models were potential policy elements. To help the continuous improvement and advancement of quality apprenticeships in Member States, the Office should study the implementation of apprenticeship programmes and assess their impact on youth employment, skills development and labour market outcomes. She supported the draft decision.
100. **A representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) said that she welcomed the comments and guidance provided, which would be taken into account in the implementation of the plan of action. Its implementation would also be closely linked to the Youth Employment Action Plan 2020–30 and was aligned with the latter's goals of strengthening young peoples' capacities and the institutions of work. The plan of action would contribute to output 3.5 of the Programme and Budget for 2024–25 on increasing Member States' capacity to promote decent employment for youth. She noted the call to promote a whole-of-government approach and recalled that the discussion at the Conference in June 2023 had met with success because Recommendation No. 208 provided a benchmark for quality apprenticeships while acknowledging that no one size would fit all. That flexibility was rooted in social dialogue at national and sector levels and within enterprises for the full implementation of the Recommendation. As the cornerstone of quality apprenticeships, social dialogue would play a crucial role in all tools that would be revised or developed based on the Recommendation. The Office planned to support capacity-building for workers' and employers' organizations through ongoing and new development cooperation projects and programmes and would be available to help design and facilitate national tripartite dialogues to review national apprenticeship systems and prioritize areas for reform. The plan of action would focus on inclusive apprenticeships and the green and digital transitions. The Office would use disruptive technologies to expand its outreach, target the jobs of the future and address mismatches in skills.
101. At the sector and enterprise level, the Office would collect and disseminate good practices and examples, including on the inclusion of apprenticeships in collective bargaining agreements. She took note of the comment on the template for a model apprenticeship agreement and collaboration with the International Labour Standards Department, and of the importance of adapting the campaign on Recommendation No. 208 to cover different languages and regional

and subregional circumstances, and ensure its products were accessible and practical. The Office would accommodate the proposals to help ILO constituents tackle negative perceptions of apprenticeships and focus on apprentices' fundamental rights in the workplace. The suggestion to measure apprentice and employer satisfaction and enterprise productivity had been noted.

102. The Office was seeking to develop a network of subregional skills development hubs within African regional economic communities, in cooperation with the African Union Commission and the United Nations Industrial Development Organization, and would support the network of partners on skills and apprenticeships established following the event on apprenticeships in the informal economy, held in Benin earlier in 2023. South-South and triangular cooperation would be promoted through the creation of opportunities to share knowledge, know-how and good practices on apprenticeships. She took note of the suggestions to develop specific results-based indicators.
103. Recommendation No. 208 would be implemented through the regular and development cooperation budgets and would support the delivery of outputs 3.2 and 3.5 of the Programme and Budget for 2024–25. Efforts would be made to mobilize additional development cooperation resources at the country and global levels, and to expand the development cooperation partner base to include international financial institutions and regional development banks as part of South-South and triangular cooperation. Events would be organized for existing partners to help attract new partners; she took note of the willingness of the Employers' group to be involved in such events. Research on traineeship continued and the Office had recently issued a publication that analysed how countries could and did ensure decent work for interns.
104. **A representative of the Director-General** (Director, Employment Policy, Job Creation and Livelihoods Department) expressed his appreciation for the suggestions and guidance provided. The next steps on the issue of trainees and internships had already been discussed by the Standard-Setting Committee on Apprenticeships. The Office was in the process of documenting the different definitions, practices and regulatory frameworks in that area and looked forward to receiving guidance in that regard.
105. **The Worker spokesperson** said that she wished to clarify that the plan of action would be integrated not only with the Youth Employment Action Plan but, more broadly, with initiatives on labour protection and employment. She suggested that the Governing Body should return to the issue of trainees the following November, when considering plans for future discussions at the International Labour Conference.

Decision

106. **The Governing Body requested the Director-General to:**
 - (a) **take into account its guidance in pursuing the plan of action for the implementation of the Quality Apprenticeships Recommendation, 2023 (No. 208), and to draw on it when preparing future programme and budget proposals and in developing resource mobilization initiatives; and**
 - (b) **communicate the Recommendation in the standard manner to the governments of Member States and, through them, to national employers' and workers' organizations and, also, to partner agencies in the multilateral system.**

(GB.349/INS/3/1, paragraph 55)

3.2. Follow-up to the resolution concerning the second recurrent discussion on labour protection (GB.349/INS/3/2)

107. **The Worker spokesperson** said that the plan of action on labour protection for the period 2023–29 was welcome. He emphasized that social dialogue, including collective bargaining, should be central to the design and implementation of labour protection measures.
108. In relation to component 1 of the plan, he highlighted the importance of the *Global Wage Report*, which should inform any work under the plan relating to wages. It might be helpful to organize discussions on other existing ILO publications in relevant fields, such as *Working from Home: From Invisibility to Decent work, A Review of Wage Setting through Collective Bargaining* and *World Employment and Social Outlook 2023: The value of essential work*. He welcomed the proposals to address the impacts of artificial intelligence and algorithmic management on labour protection; explore how public procurement rules could foster respect for labour rights; and support increased labour protection in the context of the provisions of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). However, legal mapping of labour protection for workers in non-standard forms of work should also be included as an output, which should encompass the collection of data on coverage and monitoring. In addition, it would be interesting to learn how sustainable enterprises contributed to labour protection through compliance with legislation, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), and the United Nations Guiding Principles on Business and Human Rights.
109. Under component 2, he noted that Office supported the implementation of the transformative agenda for gender equality, including in the context of the International Labour Conference discussion on decent work in the care economy, guidance on the classification of workers, scaling up the transition to formality and preventing the informalization of formal economy jobs, as well as building constituents' capacities to respond to occupational safety and health risks, in particular psychosocial risks, that would require a sectoral approach based on the relevant international labour standards. Migration was a major issue; fair migration, equality of treatment and portability of benefits should be top of the agenda. Temporary migration schemes, which could be misused, should be evaluated to ensure their appropriate use. In addition, sector-specific guidance should be provided for labour migration schemes in key sectors such as agriculture and domestic work. Furthermore, due attention should be paid to the need to expand regular family, humanitarian and climate migration pathways and to ensure the effective integration of migrants arriving through such channels. The Office should provide support to destination countries to resolve protection gaps arising from discrepancies between labour and migration laws and could develop pilot projects for such support.
110. As to component 3, the Workers' group welcomed the Office's proposal to promote the ratification and implementation of the fundamental instruments and other international labour standards. As reflected in the conclusions concerning the second recurrent discussion on labour protection adopted by the Conference in June 2023, ratification of the Home Work Convention, 1996 (No. 177), and of Convention No. 94 was of particular importance.
111. Regarding component 4, he supported the proposals to convene two meetings of experts, one on the organization and scheduling of working time as part of efforts to limit working hours and overtime and preserve work-life balance and another on wage policies, including living wages.
112. Under component 5, he welcomed the proposal for the ILO to work with other UN agencies and organizations. In that connection, the Office should collaborate with the Office of the

United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration to explore how to better extend labour rights to all migrants in their place of destination. The Office might also explore the possibility of organizing missions to places with high numbers of migrant worker arrivals. In conclusion, he expressed support for the draft decision.

- 113. The Employer spokesperson** expressed regret that the proposed plan of action on labour protection did not accurately reflect the spirit of the Conference discussion. In particular, the proposed plan of action failed to fully address the following key priorities for the Employers' group: (i) the key role played by sustainable enterprises, without which no labour protection could be effective or sustainable, and the critical connection between the two; (ii) the importance of improving productivity and economic development through the creation of an environment in which enterprises could make a greater contribution to labour protection; (iii) recognition of the centrality of the employment relationship as the main gateway to labour and social protection; (iv) the need to develop macroeconomic policies and regulatory frameworks that take account of the needs and circumstances of enterprises, particularly micro, small and medium-sized enterprises (MSMEs); (v) the need to develop coherent policy responses to address the root causes of the labour protection deficit, notably informality and poor governance; and (vi) the consensus that the focus of the ILO's work on wages should be based on the Minimum Wage Fixing Convention, 1970 (No. 131), with the agreed tripartite concept of adequate minimum wages.
- 114.** In implementing the plan of action, the Office should focus on strengthening synergies between productivity improvement and labour protection, in line with paragraph 16 of the conclusions; the five proposed components should also cover that aspect more fully. Furthermore, the Office should work on creating an environment that would enable enterprises to boost productivity, develop skills and create quality jobs for all within a safe working environment. The ILO was already undertaking important work in that respect, for example through the Enabling Environment for Sustainable Enterprises programme, which should be prioritized. In addition, further attention should be given to tackling the root causes of the labour protection deficit; the proposed plan of action did not sufficiently address informality, although that was explicitly mentioned in subparagraph 22(b) of the conclusions. The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), already provided a solid framework for addressing informality; the Office should include it in the plan of action to support effective implementation at the national level and capacity-building and technical assistance for constituents.
- 115.** Under component 1, his group had hoped to see a specific output on the need for research on the mutually reinforcing role of sustainable enterprises and labour protection. In addition, the Office should ensure that the output on promoting transitions from insecure to secure work indicated clearly that it related to the informal sector; they should not be treated as separate workstreams. Regarding the proposed research on opportunities and challenges presented by new technologies in relation to occupational safety and health, particularly in respect of climate change and hazards caused by extreme heat events, the Office should take into account the comments made by the Employers' group during the discussion of the proposed global strategy on occupational safety and health when seeking synergies with that strategy.
- 116.** It was disappointing that component 2 did not adequately cover key elements of paragraph 22 of the conclusions; subparagraph 22(b) should be the subject of a dedicated output, while specific documents should be produced on the issues contained in subparagraphs 22(e) and 22(i). Regarding the output on the promotion of the right to freedom of association, the Office

should reflect further on the conclusions and ensure that all forms of social dialogue were covered, not only collective bargaining.

117. Paragraph 6 of the conclusions underscored that the risk of exclusion from labour protection or inadequate labour protection was higher for workers and groups of workers facing discrimination based on gender and other grounds, especially where inadequate legal frameworks or weak labour market governance prevailed. In that regard, a key priority of the plan of action under component 3 should be to strengthen constituents' capacities to address the root causes at the national level.
118. During the Conference, his group had repeatedly insisted on the need to strike a balance between the needs of workers and employers, and to develop the capacity of employers' and workers' organizations, as expressed in section IV of the conclusions. Paragraph 17 of the conclusions also stated that social dialogue should be placed at the centre of the design and implementation of labour protection measures. However, component 4 was disproportionately focused on technical meetings rather than on how to support social dialogue at the national level; it should be realigned with the conclusions. More generally, the trend to favour expert or technical meetings was a concerning development, particularly in the light of limited resources.
119. Lastly, the proposed tripartite meeting of experts should take place on "wage policies, including living wages", in strict alignment with the mandate granted by the Conference. Given the lack of a "one-size-fits all" approach to labour protection, the proposed plan of action should be adjusted to better reflect the conclusions reached by consensus during the Conference. His group reserved its position on the draft decision pending a response from the Office to the matters raised.
120. **Speaking on behalf of the Africa group**, a Government representative of Gabon said that the proposed plan of action would be an important tool to promote labour protection systems that were inclusive, adequate and effective, grounded in the fundamental principles and rights at work. The production of reliable statistics on all aspects of labour protection would be particularly useful for decision-making in countries with high levels of informality; in that regard, some Member States had initiated an inclusive dialogue on the challenges of extending social protection cover to the informal sector. More generally, the plan of action should provide an overview of the real position of Member States, which could then make improvements, with the right support. The Office should maintain and strengthen its actions to support the tripartite constituents on the issue in line with their needs. In that regard, further information should be provided on the living wage to be discussed at the meeting of experts in 2024. Her group supported the draft decision.
121. **Speaking on behalf of GRULAC**, a Government representative of Mexico noted that the proposed plan of action addressed the fundamental elements of labour protection, and focused on protecting all workers, including those involved in new and not yet adequately regulated forms of work. In particular, her group appreciated the special attention given to workers at greater risk of discrimination in different sectors. She noted that the action plan would facilitate the implementation of relevant strategies, including the ILO Strategy to reduce and prevent inequalities in the world of work and the Global Strategy on Occupational Safety and Health.
122. It was positive that the five components of the plan of action were mutually reinforcing. Her group hoped that the data produced under component 1 would strengthen key discussions at the ILO, notably the general discussion on decent work and the care economy at the 112th Session of the Conference (2024), and its relationship to decent work, gender equality and inclusion. There was also great scope for progress under component 2, in particular

through collaboration with training centres such as the International Training Centre of the ILO (Turin Centre) and the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR). Although component 3 represented a step towards the more effective guarantee of rights, the effective implementation of international labour standards in national contexts presented challenges. Given that social dialogue was the basis of tripartism, GRULAC supported the proposal to convene meetings on topics related to labour protection under component 4. The group also welcomed component 5; the ILO should maintain its key role in the multilateral system, notably within the framework of the Global Coalition for Social Justice, with a view to achieving the SDGs. In conclusion, she expressed support for the draft decision.

- 123. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that the following countries aligned themselves with the statement: Albania, North Macedonia, Republic of Moldova, Montenegro, Serbia, Türkiye, Ukraine and Norway. She welcomed the resolution and conclusions concerning the second recurrent discussion on labour protection, noting that they contained a framework for action in the field of labour protection, which, with social security, was one of the two complementary dimensions of the strategic objective of social protection. In adopting that resolution, the Conference had reaffirmed the role of the ILO in the multilateral system, including in progress towards Goals 5, 8 and 10, and the interdependence of labour protection and the other strategic objectives of the Decent Work Agenda.
- 124.** She expressed support for the proposed plan of action, which reflected the complexity of the evolving global labour market, and its integrated approach to labour protection. She further welcomed the focus on informality and promoting transitions from insecure to secure work, and the consideration of workers engaged in platform work, telework and temporary work. Informality, in particular, constituted a significant obstacle to achieving inclusive, adequate and effective protection for all workers; she therefore endorsed the ILO's commitment to tackling that issue.
- 125.** The EU had taken a range of actions to achieve inclusive, adequate and effective labour protection, including the introduction of legislation on working time, pregnant workers, parental leave and equal pay, and ongoing work to improve conditions in platform work and telework, ensure adequate minimum wages and address mental health as part of broader work protection. Her group appreciated the ILO's recognition of the importance of addressing the issues of gender equality, youth and women employment, labour migration and intersecting discrimination; it was crucial to ensure that labour protection measures responded to the diverse needs of people in vulnerable situations. Her group was committed to ensuring adequate minimum wages and to continuing to work with all constituents on this area.
- 126. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that multiple global crises and emerging challenges had impacted labour cooperation in the region, with transformative changes such as technological advances, the demographic transition and the rise of the green economy offering both opportunities and challenges for workers and businesses. ASEAN attached great importance to inclusive, adequate and effective labour protection, as reflected in the *ASEAN Labour Ministers' (ALM) Work Programme 2021–2025 and Work Plans of the Subsidiary Bodies* and various declarations in favour of vulnerable and marginalized groups such as women, migrants and persons with disabilities. Together with their associated implementation plans, those documents could provide further guidance regarding the proposed plan of action and meeting of experts on wage policies. The recently published *ASEAN Employment Outlook* also contained best practices and recommendations to support human capital development and social

protection for workers in non-traditional employment. Her Government looked forward to the outcome of the meeting of experts on wage policies and supported the draft decision.

- 127. A Government representative of Saudi Arabia** emphasized the importance of the foundations on which the proposed plan of action was based, reaffirming the need to assure workers' rights in order to achieve decent work for all and to promote social justice, peace and economic growth. Worker protection and social security were two complementary dimensions of the strategic objective of social protection, contributing to sustainable development and enabling individuals to benefit from economic and technological changes. The five components of the proposed action plan reflected the views expressed at the Conference; during its implementation, the Office should continue to analyse and follow up on emerging challenges in the world of work, especially in relation to technological and market changes, and the impacts of global events, in order to support governments to adapt accordingly. It should also develop linkages to regional and national initiatives, with a view to promoting cooperation in the interest of economic growth. His Government had undertaken a number of its own initiatives in connection with labour protection, notably in relation to wages, the resolution of labour disputes, training and occupational safety and health. He expressed support for the draft decision.
- 128. A Government representative of Pakistan** welcomed the emphasis in the plan of action on how labour protection and social security were mutually supportive and contributed to the sustainability of enterprises. He furthermore endorsed the efforts under the plan to address the specific needs of workers in non-traditional arrangements and to prevent their exclusion from labour protection. His Government was ready to engage actively in research, knowledge-building and assessment activities to enhance understanding of the dynamics of labour protection in different contexts and remained committed to promoting labour protection. The provision of technical support to his Government for the formulation of policies in that regard was appreciated. He supported the draft decision.
- 129. A Government representative of the United Kingdom of Great Britain and Northern Ireland** said that her Government particularly valued the table of high-level outputs of the plan of action contained in Appendix I, which would serve as a key reference tool for tracking progress. In that regard, she asked whether the Office planned to provide the Governing Body with progress updates on the outputs and, if so, how frequently and in what form. Her Government supported the five components and related outputs of the plan of action and would welcome the development of policy and technical tools related to psychosocial risks and mental health in the workplace. It also supported the proposal to convene a tripartite meeting of experts on wage policies, including living wages, and the commitment to gather data and produce new evidence on the interdependence between labour protection and other dimensions of decent work, and endorsed the draft decision.
- 130. A Government representative of the United States** welcomed the proposals to conduct research and develop tools on a diverse range of topics to promote labour protection, including on the role of freedom of association and collective bargaining in fostering labour protection in different socio-economic contexts. The plan of action should include a reference to paragraph 22(i) of the conclusions, which referred to the adoption of policies, regulations and other measures, among others those that helped reskilling and upskilling, which facilitated job transitions benefiting from inclusive, adequate and effective labour protection. Furthermore, the words "in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions reference" should be added after the reference to "workplace cooperation to help ensure safe and productive workplaces" to align with the wording used in paragraph 24(e) of the conclusions. Her Government was in favour

of convening a meeting of experts on wage policies, including living wages, in the first quarter of 2024, and supported the draft decision.

131. **A Government representative of Bangladesh** said that, in the context of the transformative changes and multiple crises affecting the world of work, it was particularly important to address the shortcomings that existed in respect of equal opportunities for employment, equal wages and equal working conditions, and to tackle climate change-induced unemployment. Greater clarity was required on labour protection in the platform economy and the informal sector and on how the Office would contribute to strengthening the respect, promotion and realization of fundamental principles and rights at work in supply chains in the framework of the MNE Declaration. The actions proposed under component 2 to contribute to strengthening the capacity of labour administration and labour inspection institutions could include sector-specific training for labour inspectors. He supported the draft decision.
132. **A Government representative of Argentina** welcomed the plan of action. With regard to component 1, he highlighted the initiative to develop a better understanding of living wages, the development of knowledge products on the fundamental principles and rights at work, the key role of new technologies in compliance with labour legislation, and the role of freedom of association and the effective recognition of collective bargaining in fostering labour protection. With regard to component 2, he underscored the importance of the Office's contribution to strengthening the respect, promotion and realization of the fundamental principles and rights at work in supply chains.
133. On component 3, he noted that there were sometimes challenges in the effective implementation of international labour standards in different national contexts. In that regard, in Argentina, the Ministry of Labour, Employment and Social Security had recently reactivated the standard-setting subcommittee of the committee on social dialogue, which addressed conflicts in the implementation of international standards, including those relating to articles 24 and 26 of the ILO Constitution, the analysis of legal and administrative proposals made by any member of the committee, and questions relating to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).
134. Regarding component 4, he reaffirmed his Government's commitment to social dialogue as a key part of the design and implementation of protection measures for workers. On component 5, his Government fully supported the ILO's fundamental role in all discussions and initiatives in the multilateral system to promote the protection of workers and to reduce inequalities in the world of work. He supported the draft decision.
135. **A representative of the Director-General** (Assistant Director-General for Governance, Rights and Dialogue), responding to the comments and questions, said that the *Global Wage Report* would continue to inform the Office's advice and action on the ground and to draw on experiences at the country level. Regarding temporary labour migration policies and schemes, she recalled the Governing Body's discussion on the matter at its 346th Session (October–November 2022), and its consideration of the portability of social security benefits for migrant workers in the context of such schemes at its 344th Session (March 2022). The Office was pursuing its work to identify good practices and to develop additional guidance for the effective design of temporary labour migration policies. Concerning the ILO's efforts to advance labour protection for migrant workers in the multilateral system, she drew attention to the ILO–UNHCR Joint Action Plan for 2023–25 that had recently been adopted, and to the memorandum of understanding and joint action plan that had been developed with the

International Organization for Migration on issues related to bilateral migration agreements and ethical and fair recruitment.

136. In response to the observation that the plan of action did not adequately reflect certain aspects of the conclusions, she pointed out that Appendix I contained high-level outputs on the interlinkages between labour protection and a number of aspects of decent work, including sustainable enterprises, productivity growth and active labour market programmes. Discussions were being held within the Office to determine the extent to which a labour protection component could be incorporated into the Productivity Ecosystems for Decent Work Programme. Acknowledging that informality was one of the main obstacles to the advancement of labour protection, she said that a number of specific outputs had been included under components 1 and 2 of the plan of action to address its root causes and prevent the further informalization of employment. Furthermore, the Programme and Budget for 2024–25 included multiple outputs on informality, and the matter had also been addressed by the Conference in several recurrent discussions. All those interconnected elements needed to be taken into account. The issues of transition from informal to formal employment and transition from insecure to secure forms of work would be considered together, given that they were interrelated.
137. The different dimensions of labour protection were reflected in a number of training courses provided regularly by the Turin Centre. Work was also being carried out with CINTERFOR on a regional project to support the recognition of the skills of migrant workers. The purpose of the meeting of experts on wage policies was to identify key parameters for the setting of wages in line with the spirit and language of the conclusions. The proposed meeting dates were 19–23 February 2024. The Office would submit a review of progress on the plan of action to the Governing Body for two consecutive years, in line with the decision taken by the Governing Body in 2015 on follow-up to Governing Body decisions.
138. **A representative of the Director-General** (Director, Conditions of Work and Equality Department) thanked delegates for their comments and suggestions, noting that the proposed plan of action was as faithful as possible to the discussion conclusions, which centred on two main issues: the question of an integrated strategy for labour protection, and the coherence between labour protection and the other strategic objectives of the Decent Work Agenda.
139. The *Global Wage Report* continued to be an important part of their work, and the next one would be published in 2024, covering the topic of wage inequalities. With regard to the suggestions by the Worker spokesperson to disseminate the work covered through other reports, she noted that the 2021 report *Working from home: From invisibility to decent work* had already been translated into five languages and several webinars had been organized, and that they were looking to build on that to provide guidance in terms of extending labour protection to working from home. In addition, the Programme and Budget for 2024–25 was developing a shared understanding of the regulatory and compliance gaps and approaches to ensure labour protection, especially for arrangements such as home-based work and inclusivity through social dialogue. Furthermore, at the recent session of the International Conference of Labour Statisticians, important decisions had been taken relating to statistics on homeworkers and informality, which would be taken into account. The report *A Review of Wage Setting through Collective Bargaining* was an important training tool and had been included in the ILO Industrial Relations Global Toolkit and disseminated in several regions and a number of conferences, where it had been very well received. To build on that progress, the Office would continue to promote collectively bargained wages at the country level in the next biennium, as already outlined in the Programme and Budget for 2024–25. The report *World Employment and Social*

Outlook 2023: The value of essential work was an extremely important report that had been widely disseminated and would provide important guidance for the discussion of care work at the 112th Session of the International Labour Conference in 2024.

140. With regard to the question on mapping of labour protection for temporary workers, home-based workers, platform workers and self-employed workers, the Office was indeed carrying out mapping as part of the background for the standard-setting on platform work. The aforementioned 2021 report *Working from home: From invisibility to decent work* contained a section on the mapping of legal protections for homeworkers in the context of the Home Work Convention, 1996 (No. 177), and the Home Work Recommendation, 1996 (No.184). In addition, a report on measures to prevent the informalization of formal jobs was expected to be published in late 2023 or early 2024, which would address the issue of temporary employment.
141. Regarding the comment about climate change and migration, the Office was indeed responding to the call from the Committee on a Just Transition to promote a coherent mobility framework to support just transitions, and there were already projects on the ground with the International Organization for Migration, UNHCR and the United Nations Framework Convention on Climate Change to examine those issues.
142. Concerning the comment made by the Employer spokesperson, the plan of action had high-level outputs, some of which were indeed aggregated, but those would be unpacked further during the implementation process, taking into account the promotion of synergies between productivity and labour protection. The relationship between informality and the lack of labour protection was included in paragraph 6 of the plan of action, as well as in the outputs of the Programme and Budget for 2024–25. They would work closely with the action programme on informality to make sure those issues received the highest priority, in the framework of Recommendation No. 204 and other relevant ILO standards.
143. Turning to the comment relating to the output on knowledge built on innovative approaches and good practices on the correct classification of employment relationships to tackle informality and promote transitions to formality, transitions from insecure to secure work and access to social security and labour protection for all, that was a single workstream because informality and lack of labour protection were very interconnected issues, but the Office would also consider the nature of transitions to formality, as not all formal jobs were secure jobs. With regard to including other forms of social dialogue in the plan of action, specific reference was already made to collective bargaining and workplace cooperation, but further consideration would be given to other tripartite social dialogue.
144. With regard to the comment about the output corresponding to paragraph 24(e) of the conclusions concerning the second recurrent discussion labour protection on workplace cooperation to help ensure safe and productive workplaces in such a way that it respected collective bargaining and its outcomes and did not undermine the role of trade unions, that work would indeed be guided by the resolution concerning the second recurrent discussion on social dialogue and tripartism adopted by the Conference in 2018, as indicated in Appendix I. The appendix also noted that workplace cooperation would be fostered in such a way as to promote consultation and dialogue in line with ILO standards.
145. **The Employer spokesperson** thanked the Office for their responses to his queries and said that the Employers' group would be happy to further contribute to the proper implementation of the plan of action going forward. He supported the draft decision.
146. **The Director-General** noted, with regard to the temporary migration and informality dimension, that the Programme and Budget for 2024–25 had a major focus on the productivity

nexus and thanked the Employers' group for their flexibility. If necessary, the Office would hold bilateral discussions with the International Organisation of Employers (IOE) to ensure that they could move in that direction.

- 147. The Worker spokesperson** said that he trusted that the Workers' group would also be consulted on those matters, not just the Employers' group. The mandate of the ILO was to protect workers' rights and social justice, not competitiveness or sustainable enterprises.

Decision

148. The Governing Body:

- (a) **requested the Director-General to take into account its guidance in implementing the plan of action set out in document GB.349/INS/3/2 giving effect to the conclusions concerning the second recurrent discussion on labour protection and to draw on it in preparing future programme and budget proposals;**
- (b) **approved the holding of a meeting of experts on wage policies, including living wages, in the first quarter of 2024, as part of the plan of action.**

(GB.349/INS/3/2, paragraph 26)

3.3. Follow-up to the resolution concerning a just transition towards environmentally sustainable economies and societies for all (GB.349/INS/3/3)

- 149. The Employer spokesperson** commended the Office for the proposed strategy and action plan to give effect to the resolution concerning a just transition towards environmentally sustainable economies and societies for all adopted by the International Labour Conference at its 111th Session. They reflected the priorities of the resolution in a clear and structured manner, taking into account the priority areas of just transition policies and providing dedicated funding and timelines for specific objectives and outputs.
- 150.** Coherence between the different policy areas and the strategy's three main objectives, as well as the social, environmental and economic goals of sustainable development, would be key to its long-term success. The proposed strategy and action plan should prioritize the creation of an effective enabling environment for sustainable enterprises without compromising productivity and competitiveness, and they should therefore focus on transitioning and decarbonizing economic activities, rather than social justice and decent work more generally. In that regard, output 10 seemed overly broad, since a just transition did not relate to all the ILO's work. Capacity-building and support should be demand-driven.
- 151.** While the identification of enterprise engagement as a guiding principle was a step in the right direction, the concept should be more precisely tailored to promote and enhance sustainable enterprises in the private sector, focusing on the provision of adequate support through a comprehensive approach that was rooted in national contexts and aimed to remove barriers to transitioning. Such an approach was particularly important for micro, small and medium-sized enterprises (MSMEs) since it would help them achieve the minimum efficient scale and economic viability required to transition successfully. The proposed strategy and action plan should therefore include a programme dedicated to promoting a robust and supportive business ecosystem for a just transition.
- 152.** She noted with interest the proposed development of a new research agenda while cautioning against the inclusion of broad and complex areas of research that went beyond the practical

concerns of a just transition. Rather, it should focus on practical means of enhancing stakeholders' capacities and be determined in coordination with the social partners. It should also include thorough research on sustainable enterprise development, with particular emphasis on the needs and challenges faced by MSMEs, as well as critical areas such as sustainable MSME development and productivity growth and skills development based on market needs.

153. With regard to output 6, more attention should be paid to productive development policies, which played a critical role in facilitating a just transition by bolstering MSMEs' productivity and sustainable growth. The proposed strategy and action plan should include a dedicated pillar concerning capacity-building for employer and business member organizations to empower them to address new and complex trends. In that connection, tailored training programmes and technical assistance would be vital, with a focus on championing sustainable management practices and business models, particularly for the unique needs of MSMEs. Moreover, those organizations should play a stronger advocacy role in the development of just transition policies.
154. The proposed strategy and action plan did not adequately address the unique challenges faced by countries in the Global South, which often faced particular challenges, including higher vulnerability to the adverse effects of climate change and low productivity. A multifaceted approach was required to address the risks and challenges posed by the shift away from industries and practices underpinning economic activities in many of those countries that would be necessitated by a just transition. The strategy should provide more detailed plans and resources to support the Global South in managing those risks, taking into account barriers in labour markets that prevented more efficient transformations.
155. Output 8 could be incorporated into output 13 since occupational safety and health and indigenous and tribal peoples were both topics that had been examined extensively by the ILO. The Office should work closely with the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) to ensure that the social partners' concerns and priorities were considered in the development of the just transition work programme under the United Nations Framework Convention on Climate Change and throughout the organization of the proposed global just transition policy forums. She supported the draft decision.
156. **The Worker spokesperson** thanked the Office for incorporating into the proposed strategy and action plan many elements of the conclusions concerning a just transition towards environmentally sustainable economies and societies for all that had been adopted by the International Labour Conference at its 111th Session. The proposed strategy and action plan, however, were rather broad, and it was unclear how many of their elements would be prioritized and implemented in a manner that would allow their progress to be evaluated. Furthermore, the allocation of a modest budget was cause for concern.
157. The proposed strategy and action plan must be implemented according to three cross-cutting principles. The first of those was planning, and constituents should therefore be supported in designing and implementing sustainable industrial policies that promoted well-being and took into account the planetary boundaries, including through capacity-building activities. Furthermore, indigenous and tribal peoples' knowledge of planetary health could inform the Office's work. The second principle was protection. For occupational safety and health and other protections to be effective, the right to freedom of association and collective bargaining must be guaranteed. A just transition could not be achieved without social dialogue or by replacing unionized jobs with non-unionized jobs. The third principle was solidarity, and the

ILO should harness the Conference's endorsement of just transition principles in its conclusions so as to promote a transition towards a model that prioritized individuals over profit and to adopt a justice- and development-based approach that was rooted in local and national perspectives to guarantee essential rights. It was concerning, therefore, that the follow-up to the Conference's resolution did not appear to be guided by the conclusions.

158. The Office should consider the guidance emerging from the Conference and render some outputs more concrete. Given the need for greater focus and research on financing and trade impacts on a just transition, output 1 could be linked to the work on nationally determined contributions and just transition plans under output 5. It would be helpful to know whether there was a link between the activities under output 2 and the Green Jobs Assessment Institutions Network (GAIN). The knowledge gateway proposed under output 3 should be user-friendly, accessible to vulnerable groups and available in different languages. The first four outputs should be action-oriented to inform just transition plans, with a focus on industrial policies.
159. The support envisaged under output 5 was less comprehensive than the nine key policy areas identified in the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. There was a need for an integrated approach, and for linkages between outputs 5 and 6 of the proposed strategy and action plan and outputs 2.1 and 2.2 of the proposed Programme and Budget for 2024–25, which related to capacity-building for employers' and workers' organizations. Industrial policies should provide clear support for workers' organizations. Her group would have appreciated greater detail of areas in which support would be provided under output 6, particularly with regard to young persons and workers in the informal economy.
160. In relation to output 7, practical guidance on a just transition should be based on the principles of freedom of association, collective bargaining and the relevant international labour standards. The tripartite meeting on occupational safety and health proposed under output 8 should result in a code of practice, while the dialogue with indigenous and tribal peoples should ideally begin in early 2024, with invitations extended to all ILO Member States. While a tracking system as envisaged under output 10 would be essential in supporting work in the policy areas listed under output 6, the Office should explore whether appropriate systems already existed and whether it should instead develop a new methodology to facilitate work across departments.
161. Regarding output 11, the proposed strategy and action plan should refer to the need for technical papers on, for example, financing, and recognize key mechanisms for climate finance flows. It would be helpful to have information on the focus of the global just transition policy forums described under output 13, which should support the implementation of the Conference's conclusions. One forum should address industrial policies and the other sectoral-level challenges, and existing initiatives in that regard should be reinforced. She noted with concern that the Conference's resolution lacked a clear reference to a just transition at the sectoral level. The sector-specific nature of a just transition should be considered in the proposed strategy and action plan, and the Office should adopt an integrated approach that involved the Sectoral Policies Department.
162. **Speaking on behalf of the Africa group**, a Government representative of Namibia welcomed the positioning of the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* as the central reference point for policymaking, along with the increased mainstreaming of a just transition across the ILO's work. Developing countries, like developed countries before them, used fossil fuels to overcome socio-economic challenges, a

reality that must be taken into account in just transition strategies. The Office should take note of proposals from the Global South, especially regarding developing countries' need for financial support and their demand to transition at a pace that allowed them to continue their development efforts. She supported the draft decision.

163. **Speaking on behalf of ASPAG**, a Government representative of Australia welcomed the ILO's ambition to step up its activities and to further tripartite social dialogue to advance just transitions, while considering national capacities. Her group would welcome ongoing tripartite consultation during the development of the proposed strategy and action plan and agreed that social dialogue would be required to give effect to them at the global, national and sectoral levels. She expressed support for the policy areas listed under output 6, welcoming in particular the proposal to provide technical support to constituents towards rights-based labour mobility pathways to support just transitions and climate adaptation in countries of origin and destination. The proposed strategy as a whole should focus more strongly on the needs and circumstances of developing countries, especially small island developing States and least developed countries.
164. She also expressed support for the proposal to organize a tripartite meeting on occupational safety and health in extreme weather events and changing weather patterns. Her group would be interested in knowing how the Office would oversee and manage additional work on just transitions. Given the significance of the proposed strategy and action plan and the limited detail provided, greater transparency on potential resource gaps was required to improve the consideration and prioritization of certain measures. She called for greater international cooperation, including with other UN organizations, to achieve just transitions through technology transfer, knowledge exchange, financial assistance and cooperation on research and development. She supported the draft decision.
165. **Speaking on behalf of GRULAC**, a Government representative of Mexico underscored the threat to development objectives posed by climate and environmental change and therefore welcomed the proposed strategy and action plan, calling on the Office to take into account countries' different needs during their implementation. On output 9, although timely international financing for development was crucial to ensuring the effective implementation of just transition policies, alternative forms of cooperation must be explored to avoid creating new financial burdens for her region. She supported the draft decision.
166. **Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Serbia, Türkiye, Ukraine, Georgia, Iceland, Norway and Armenia aligned themselves with his statement. He welcomed the ILO's cooperation with other UN organizations and international financial institutions, although his group would appreciate more details of the projects and organizations involved, as well as clarification of the strategic and operational links between those efforts and the ILO's other just transition initiatives so as to avoid duplication and create synergies. The ILO was well placed to ensure policy coherence across all levels and promote triangular cooperation to drive progress towards the three objectives of the proposed strategy and action plan.
167. The tripartite meeting on occupational safety and health in extreme weather events and changing weather patterns should take the form of a tripartite meeting of experts, rather than a tripartite technical meeting, in order to produce clear scientific analysis and guidance. All the activities envisaged in the proposed strategy and action plan should have solid financial support in the programme and budget, particularly the proposed Programme and Budget for

2024–25, and further details on the financial resources to be allocated to them would be appreciated. He supported the draft decision.

- 168. Speaking on behalf of ASEAN**, a Government representative of Indonesia highlighted ASEAN's prioritization of green skills and jobs. The creation of a strong knowledge base founded on reliable national data, as proposed under objective 1, would enhance decision-making in the development of effective strategies for a just transition. Regarding objective 2, the design and implementation of just transition policies and strategies should align with constituents' needs and international labour standards and take into account all factors that could have a direct or indirect impact on labour. He highlighted the importance of inclusive and gender-responsive policies. Turning to objective 3, he underscored the need for ongoing partnerships with international agencies that took a unified approach that would enhance such cooperation and strengthen the ILO's leadership role. ASEAN supported the draft decision.
- 169. A Government representative of Barbados** welcomed the tailored support for small island developing States and least developed countries proposed under output 6. He called on the Office to work directly with those States to adapt interventions to local realities. He welcomed the strengthened support for a just transition in the areas of finance, the social and solidarity economy, supply chains and the operations of multinational enterprises, which would help to mitigate resource constraints in small island developing States. A just transition should also address matters such as food security, for instance through measures linked to global supply chains. He commended the focus on evidence-based interventions and capacity development for Member States in the area of data collection and analysis and he supported the draft decision.
- 170. A Government representative of India** said that consultations with stakeholders and dialogue among constituents were essential when making policies for a just transition that would address national realities. It was commendable that the proposed ILO strategy and action plan had been built on the foundation of social dialogue. He supported the proposed development of a repository of knowledge and innovation, which would include international best practices for generating and recording green jobs. The Office should also develop resources and knowledge on green sectors, including sustainable farming. He supported the proposed outputs and encouraged the Office to take into account the specific needs, circumstances and level of development of each State. The Office should conduct research into how to develop jobs in the green economy, and establish pilot studies on their contribution to a just transition. He noted that the Office would engage in extrabudgetary resource mobilization to fill resource gaps, and requested more information. He expressed the hope that the ILO's contribution to the international policy arena and partnership with other agencies would strengthen the case for technology transfer and financial assistance for developing nations.
- 171. A Government representative of Pakistan** said that the development of a robust knowledge base, including reliable gender-sensitive and sector-specific data, was vital to the formulation of effective policies. His Government was committed to the principles of a just transition and sustainable development, which it was promoting through an inter-ministerial committee. The impact of climate change meant that adaptation and resilience measures were required, and care should be taken to include indigenous groups, rural communities and vulnerable populations in the transition process. His Government would welcome technical assistance from the ILO to address challenges and meet its specific needs.
- 172. A Government representative of Malaysia** expressed support for the three objectives and five guiding principles in the strategy. The Office should focus on accelerating a just transition

in enterprise engagement, with particular regard to small and medium-sized enterprises. Industry-driven policies should be crafted and their practical implementation should be compatible with Member States' national regulations and global sustainable development trends. Multilateral cooperation would give impetus to preparing the future workforce.

173. **A Government representative of Brazil** said that social dialogue was the key to mitigating conflicts and developing more credible policies, including on a just transition. Governments must engage with companies, workers and communities to create and implement measures to prevent further global warming and to mitigate the impact of climate change on traditional jobs. A just transition should encompass capacity-building for workers to enable them to keep pace with the transition to a greener and more inclusive economy. His Government was engaging in tripartite negotiation to ensure that no one was left behind in the energy and digital transitions and that workers' protection was safeguarded, and was developing skilling and reskilling policies with the private sector. Technology must be used to improve the quality of life of all workers and society at large. Increased use of digital platforms for work had been accompanied by a rapid deterioration in the conditions of gig and platform workers worldwide. In Brazil, regular tripartite negotiations were paving the way for a just digital transition, including a regulatory framework for platform work. He supported the proposed strategy and action plan. Brazil would include a just transition as a priority during its Presidency of the G20 in 2024.
174. **A Government representative of the United States** supported the proposed strategy and action plan, and particularly welcomed the focus on strengthening the knowledge base for a just transition; the focus on enhancing constituents' capacities to design and implement gender-responsive policies and strategies; the special attention to the respect, promotion and realization of freedom of association and collective bargaining as enabling rights; and the aim of advancing the ILO's leadership role in international processes on a just transition. That leadership role was also reinforced by the endorsement by the Conference of the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, and would be furthered through the focus on enhanced knowledge-sharing and communication. His Government looked forward to collaborating with the Office to advance a worker-centred approach to a just transition at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP28).
175. He would welcome information on the options for the format of the proposed tripartite meeting on occupational safety and health in extreme weather events and changing weather patterns. Given the disproportionate impact of climate change on the lives and livelihoods of indigenous and tribal peoples, he supported the proposal to convene a dialogue with them on a just transition and looked forward to further information on plans for the dialogue as they developed. He requested further information on the aims and intended outcomes of the proposed global policy forums on a just transition, and how it would be ensured that they were impactful and cost-effective in advancing the broader strategy. He supported the draft decision.
176. **A Government representative of the United Kingdom** remarked that tackling climate change to build a better future must be a key priority for the ILO; the Conference resolution and the follow-up plan were an important step in that direction. His Government had allocated substantial resources to initiatives to foster green jobs. As the only tripartite organization of the UN, the ILO must play a central role in discussions on a just transition at the global level to ensure the voices of all constituents were reflected in decision-making. He supported the proposed action plan and the breakdown of its objectives and outputs. He asked how the gateway proposed under objective 1 would differ from tools such as the Just Transition

Planning Toolbox of the Climate Investment Funds, when the proposed communication strategy would be released and how best to amplify the message. He supported objective 3, in particular partnership with international financial institutions; it would be key for all interested stakeholders and partners to be included in that work. More details would be appreciated on the tailored value propositions, and on the Office's plans for engagement at COP28. The reference in the objectives to the Global Coalition for Social Justice was appreciated. A coherent and consistent approach was needed to avoid duplication of work in other multilateral initiatives. He supported the draft decision.

- 177. A Government representative of Argentina** supported the objectives, outputs and guiding principles of the proposed strategy. The strategy would enable actions to be adapted to national circumstances and ensure that policies were effective and based on tripartite dialogue. Argentina's Decent Work Country Programme (DWCP) included various means of cooperation to achieve a just transition. He encouraged the Office to build partnerships that took account of regional needs and the impact of trade agreements on developing countries, and to consider new structures for multilateral cooperation and financing. A distinction should be made between the responsibilities of developed countries and those of ecological creditor countries. All development policies should be inclusive and be aligned to the just transition.
- 178. A Government representative of Indonesia** said that his country had developed policies on skills and social security and had developed an employment information system to prepare for transition and address changes in the labour market. A just transition must embrace countries in crisis and incorporate strategies to lay the foundation for a more sustainable and inclusive future. The strategy on a just transition should be mainstreamed in the ILO's crisis response programmes as soon as possible, in particular for the Occupied Palestinian Territory, where the ILO must play a more active role. The current humanitarian crisis was affecting all aspects of Palestinians' lives, not just employment. He urged all constituents to stop the aggression to prevent more civilian casualties, ensure humanitarian access and the protection of civilians, and reject the forced transfer of civilians in Gaza. Peace required a solution to the root cause of the conflict; the peace process towards a two-state solution must be resumed. The international community was responsible for securing lasting peace in that region and ensuring a just transition worldwide. He supported the priority action programme on just transitions and looked forward to continued discussion on how the strategy would benefit all constituents.
- 179. A representative of the Director-General (Deputy Director-General)** said that she wished to reassure constituents that effective consultations across all areas of the strategy would continue, building on the discussion that had taken place at the International Labour Conference. The fact that the four priority action programmes were under her portfolio alongside the Research department, the Statistics department and the International Training Centre of the ILO would help create synergies and ensure that research reinforced the plan for a just transition and related to reliable national data.
- 180.** The proposed budget of US\$37 million for the strategy and action plan was based on examples from similar action plans; extrabudgetary resources would also be mobilized through development cooperation. In terms of ensuring that the onus of addressing a just transition did not fall primarily on countries least able to bear it, cooperation with international financial institutions had been established to address the financing needs for a just transition; that cooperation would be developed based on research on the employment–environment–climate nexus. The engagement of international financial institutions and the Global Accelerator on Jobs and Social Protection for Just Transitions would be used to leverage support for the implementation of the action plan. The table at the end of document GB.349/INS/3/3 provided

specific information on the deliverables of the action plan; additional details would be provided in future as the programme was developed.

181. The Global Strategy on Occupational Safety and Health and the plan of action for its implementation, which would be discussed under a separate agenda item, would indeed be integrated in the action plan for a just transition. The Office had noted the Governing Body's advice on the timing and format of the proposed tripartite meeting on occupational safety and health in extreme weather events and changing weather patterns. The plans to establish a mechanism for dialogue with indigenous and tribal peoples on a just transition would build on dialogue under the Indigenous and Tribal Peoples Convention, 1989 (No. 169); consultations would be held with constituents on the format and practicalities in due course.
182. As to whether some parts of the plan were overly broad and ambitious, she noted that while the team was small, the programme was being executed in the field and through the policy departments, and every opportunity was taken to create synergies and to link work already happening under different programmes, within the mandate of the ILO, in order to address related needs, produce coherent strategies and accomplish more while avoiding duplication and competing priorities.
183. **Another representative of the Director-General** (Director, Priority action programme on just transitions towards environmentally sustainable economies and societies) emphasized that the integrated research agenda was not disconnected from the Office's broader research strategy. Governing Body members and constituents would have an opportunity to validate some elements of the proposed research through the Research Review Group. In terms of institutional capacity development for Member States to carry forward research in their national context, the ILO would mobilize its Green Jobs Assessment Institutions Network, in which many Governing Body members participated. The knowledge gateway on a just transition would be similar to the existing Employment Policy Gateway. The Office had also collaborated with organizations on similar gateways. The added value of the ILO's work was that it would build on the framework for action provided by the Conference conclusions and the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. Aside from acting as an information repository, the gateway would also enable the Office to respond rapidly to constituents' requests for information on countries' experiences with specific labour market policies.
184. Specific reference was made in the action plan to working with the least developed countries and small island developing States. The Office had entered into a partnership with the Climate Vulnerable Forum and would offer support on climate prosperity plans in a number of Member States. The action plan would inform the Office's engagement in UN climate processes. At COP28, the ILO would again set up a Just Transition Pavilion to enable ILO constituents to engage with other parties and observers and address decent work and social justice in the context of climate action.
185. Further discussion would be held on the idea of global just transition policy forums and their design would be guided by constituents. The intention was to hold such forums in advance of the conferences of the parties to the United Nations Framework Convention on Climate Change to help constituents forge common positions on the world of work in relation to the issues addressed by those conferences. They were also intended to step up engagement in other multilateral processes, including through discussion of other environmental drivers, such as phasing out plastic pollution. There was room for consultation and to merge outputs and be more specific, and he looked forward to receiving further guidance of Governing Body members in the future.

- 186. The Worker spokesperson** added that, in relation to output 6 and the implementation of the MNE Declaration and the UN Guiding Principles on Business and Human Rights, all three pillars should be duly considered, including a strong focus on remedy. Concerning the request of the Workers' group for an industrial policy forum and support for ILO Members on industrial policy implementation and design, she wished to highlight the need for technology transfer to all Member States and economies, particularly those most susceptible to climate change.

Decision

- 187. The Governing Body endorsed the proposed strategy and action plan on a just transition towards environmentally sustainable economies and societies for all and requested the Director-General to consider its guidance in implementing the strategy.**

(GB.349/INS/3/3, paragraph 33)

3.4. Analysis of the measures taken to promote the effective functioning of the Conference (GB.349/INS/3/4)

- 188. The Worker spokesperson** agreed that it was important to work towards fully in-person participation at sessions of the International Labour Conference, while noting that facilitating passive remote participation increased the visibility of the Conference and helped to involve and educate a broader audience. However, speakers should no longer be permitted to deliver statements in pre-recorded video messages. Furthermore, increased efforts were needed, including within the Workers' group, to promote gender parity.
- 189.** He welcomed the news that the 112th Session of the Conference would take place at the Palais des Nations and that eight seats per tripartite delegation would be available in the Assembly Hall; regrettably, the special badge system for Room XX had prevented many delegates from attending the World of Work Summit that year. He supported the proposal to secure early nomination of the Officers of the Conference and requested guidance from the Office on the different roles available. He welcomed the proposed early dissemination of key information on the Conference, increased briefings and the development of online tutorials. His group stood ready to help the Office, with the relevant colleagues, including ACTRAV, with tutorials for Workers' delegates. He requested the Office to allow the secretariats of the Employers' and Workers' groups, in addition to members of Permanent Missions, to collect badges for their delegates by proxy. He expressed appreciation for the efforts to brief groups on the new electronic voting system, which had worked relatively well. Awareness-raising regarding the accreditation and registration processes should continue, with online tutorials in the three working languages.
- 190.** Discussions of the Finance Committee should not extend beyond its remit and venture into policy matters. However, if the Committee did address matters of policy in the future, the social partners must be allowed to speak in order to be involved in the definition of the political direction of the Organization.
- 191.** A one-day World of Work Summit would reduce disruption and allow for more speaking time in the plenary. Earlier preparations for the Summit were required to maximize outcomes. The Report of the Director-General should be published at least three weeks before the opening of the session, but preferably even earlier. The frequency of evening sittings was regrettable, and time management should be improved; however, the reduction in the overall duration of sessions of the Conference had increased pressure on delegates and Office staff to deliver the same outcomes in less time.

192. Regarding the technical committees, tripartite consultations on the proposed points for discussion for the recurrent discussion and general discussion committees often occurred too close to the start of the session, and in practice risked becoming preliminary negotiations on the substance. The Office should instead consult with groups well in advance to devise appropriate points for discussion in a timely manner. The proposal to reduce drafting group meetings to a single day was unacceptable, as two days was the minimum time required to make meaningful progress on an agreed text. The large amount of bracketed text arising from drafting groups during the 111th Session of the Conference should not be repeated. It would be beneficial if the Office facilitated the early nomination of spokespersons, as well as early briefings and exchanges of views. He supported the draft decision.
193. **The Employer spokesperson** strongly disagreed with the proposal to reduce the time allocated to drafting groups to one day, as that would add unnecessary pressure and would leave insufficient time to explore the substantive elements of a committee's work. Maintaining the two-day schedule would allow constituents to maintain focus to reach agreement faster. Moreover, a smaller group was conducive to interactivity, candidness and quick decision-making, especially on less controversial items; the plenary could then address any bracketed items. However, she noted that during Committee plenary sittings, some delegates had reopened discussions of bracketed items despite having agreed to remove the brackets in the drafting group in the interest of consensus, which defeated the purpose of holding negotiations in the drafting group.
194. Care should be taken in the selection of committee chairpersons, who should not only have a full understanding of their duties but also strong experience of moderating difficult negotiations and knowledge of the rules governing the discussion, especially regarding voting. They must also have strong communication skills to articulate clear instructions and ensure all constituents had an equal opportunity to express their views, and active listening skills to understand the different positions and identify opportunities to bring constituents closer to agreement. They must also remain impartial and diplomatic. Experience as a delegate at previous sessions of the Conference and an understanding of the dynamics of tripartite discussions would also be useful.
195. She agreed with the proposal to improve the process for collecting badges. Some Employer members had experienced difficulties, including inconvenient badge office opening hours and long queues, which had resulted in their late arrival at group meetings. In addition to allowing staff of Permanent Missions to collect badges for Government delegates by proxy, the secretariat of the Employers' group should be allowed to take a similar approach. She supported the draft decision.
196. **Speaking on behalf of GRULAC**, a Government representative of Mexico acknowledged the Office's efforts to overcome logistical challenges in the arrangements for the 111th Session of the Conference. Early and streamlined dissemination of information for delegates was important. Since many delegations from her region had encountered difficulties when collecting badges and making changes to the composition of their delegations, Permanent Missions in Geneva should be able to collect badges for Government delegates in advance, and a modern and agile accreditation system should be in place for future sessions. Early clarification on the functioning of the voting system would be welcomed, including on the registration process, the quorum, voting arrangements and confirmation of the vote being registered. She repeated her group's request for continued remote participation in all discussions and for links to be provided systematically to delegates requesting remote access during the accreditation process. The Office should ensure that all constituents could

participate in equal conditions, including over the Zoom platform, and ensure that there was sufficient space for all Government delegates in the meeting rooms of technical committees.

197. Sufficient time should be allocated to the general debate in the Conference plenary. She supported the proposals regarding the World of Work Summit, in particular the plans to begin preparations earlier. Preparations for the technical committees should also begin sooner, and more in-depth work on the content of the points for discussion was needed. Holding tripartite consultations on them would ensure the active participation of Governments and social partners in equal conditions and result in more efficient, targeted discussions. Drafting groups should be given sufficient time in order to avoid prolonged discussions and ensure a focused approach to the text under negotiation. To that end, the Office might consider adjusting the time given to the introductory general statements or the preparation of the tentative conclusions. Her group believed that it was unnecessary to consider proposals to change the functioning of the Finance Committee. She supported the draft decision.
198. **Speaking on behalf of ASPAG**, a Government representative of Japan welcomed the news that the 112th Session of the Conference would be held at the Palais des Nations, allowing the return to eight seats to be eight for tripartite delegations. She requested the Office to ensure that that sufficient rooms were available for bilateral meetings and that the number of shuttle buses to ILO headquarters was increased. Evening sittings of committees should be avoided, and further reforms were needed to that end, such as reducing long, unnecessary breaks. Support from the Office to the Chairperson was essential to ensure the proper management of proceedings. Committee chairpersons should be nominated well in advance and receive the necessary information from the Office in a timely manner. Allocating only one day to drafting groups and reducing the number of participants would improve efficiency.
199. The Office should provide clearer logistical information at an earlier stage of preparations. Complex accreditation and registration processes might lead to waiting times and could prevent delegates from delivering their statements at the designated time. The Office should review the procedure for accreditation and registration allowing the collection of badges by the Permanent Missions as well as ensure that staff were well informed to prevent confusion and delays. Allowing Governments to make changes to the composition of their delegations after the closure of the online accreditation platform would enhance the flexibility and effectiveness of the logistical arrangements.
200. The Finance Committee should address financial matters only and should be transparent. It was the responsibility of the Office to manage the Committee's discussions to enable it to accomplish its mission on schedule.
201. While it was important for the Conference to meet in person, some countries in her region lacked the resources to send delegates each year. She therefore requested the Office to continue allowing Member States to participate remotely and to consider allowing them to deliver statements remotely. She supported the draft decision.
202. **Speaking on behalf of the Africa group**, a Government representative of Cameroon congratulated the tripartite constituency and the Office for their commitment and dedication in the preparation and running of the Conference, including the way by which they gradually took into account a gender dimension. She welcomed the high participation rates and number of speeches, which indicated that it was time for the Conference to return to fully in-person sessions. The group agreed that the Officers should be nominated in advance, and welcomed the proposal to provide a list of a committee chairperson's duties and tasks, which would help constituents in selecting candidates. Key information on future sessions should be disseminated prior to the publication of the Conference Guide, including through preparatory

workshops and online tutorials. She encouraged constituents to familiarize themselves with information provided by the Office, in particular regarding online accreditation, plenary discussions and the work of committees, and expressed appreciation for the proposal to develop online tutorials and organize briefings on Conference procedures. She supported the proposal to allow staff of Permanent Missions to collect badges for their national delegations.

- 203.** She commended the Office's efforts to ensure good time management in plenary sittings and welcomed the level of interest shown in the World of Work Summit, which offered an opportunity for exchange with other UN institutions and multilateral organizations. She thanked the Office for working to mitigate the challenges arising from the renovation of the Palais des Nations and ILO headquarters, noting that the unavailability of the Assembly Hall at the 111th Session of the Conference had had a negative impact, especially on participants following discussions in adjoining rooms. The Report of the Director-General should be published much earlier to enable delegates to prepare more relevant statements for the plenary. She expressed her group's support for the Office's proposals to reduce the duration of the drafting group for the general discussion and recurrent discussion committees to one day, and the other proposals made in paragraph 32 of the Office document. She supported the draft decision.
- 204. Speaking on behalf of IMEC,** a Government representative of Canada regretted that the overall proportion of women delegates and advisors remained low and called on all constituents to make efforts to improve the gender balance in their delegations to the Conference. While her group could support increasing the number of briefings ahead of sessions of the Conference, it recognized the implications on the Office's staff and resources; the Office should therefore inform constituents when the benefits of such measures were outweighed by the additional resources needed. Her group welcomed the collection of badges for all government delegates by proxy. She supported the proposal to allow Governments to make changes to the composition of national delegations after the closure of the online platform, and encouraged the Office to ensure that the new system functioned properly once established.
- 205.** The Finance Committee should remain limited to Government delegates and there was no need to change its nature or format. Her group supported the proposal to hold tripartite consultations in the first half of April on the proposed points for discussion for general discussion and recurrent discussion committees; the Office should share them, as well as the tentative plan of work, with constituents well in advance. She encouraged the Office to limit late sittings to ensure focused and productive discussions and to protect the health and safety of participants. While the measures implemented for the 111th Session of the Conference had been appreciated by her group, some sittings had ended near midnight, after public transport had stopped running. The Office should therefore consider adjusting the programme and methods of work of the committees. She requested further details from the Office on the potential arrangements for one-day drafting groups with smaller numbers of drafters, given that drafting groups in 2023 had found it challenging to complete their work in the already reduced time.
- 206.** Remote, passive participation in committee proceedings should continue to be available. She wished to hear the Office's views on whether decisions on the functioning of the Conference could be made at the October–November sessions of the Governing Body, which would avoid the need for further discussion at its March sessions and thereby ensure sufficient time for the finalization of arrangements and invitations. She supported the draft decision.

- 207. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) thanked the Governing Body for its valuable advice, which the Office would take into account when making arrangements for the 112th Session of the Conference. A document containing detailed arrangements would be submitted to the Governing Body as usual in March 2024.
- 208.** The number and length of evening sittings were correlated with the complexity of negotiations, over which the Office had limited control. The Office would work with the United Nations Office at Geneva to take further steps to facilitate the accreditation and registration processes and the distribution of badges, within the limits of the security arrangements in place at the Palais des Nations. The Office had also committed to providing information earlier and in a more user-friendly format, which could include video tutorials or infographics. It would work with constituents to secure the early nomination of the Officers of the Conference and of committees to allow them to be briefed in a timely manner.
- 209.** A concerted effort was needed by constituents to achieve a gender balance among Conference delegates. In recent years, only one third of delegates had been women. This percentage not only stagnated but even decreased for speakers at the plenary.

Decision

- 210. The Governing Body requested the Office to prepare for its consideration at its 350th Session (March 2024) a detailed programme of work for the 112th Session (2024) of the International Labour Conference, taking into account the views expressed during the discussion of the measures implemented during the 111th Session (2023) of the Conference.**

(GB.349/INS/3/4, paragraph 39)

4. Update on the Global Coalition for Social Justice (GB.349/INS/4)

- 211. The Employer spokesperson** thanked the Office for the document and reiterated the continued support of the Employers' group for the Global Coalition for Social Justice and its contribution to the Director-General's electoral vision to enhance multilateral policy coherence on social justice and decent work. The Employers' group appreciated the substantial progress made in shaping the Coalition and establishing a solid foundation through active engagement and contributions made during formal discussions and informal consultations. However, a number of key points raised during previous sessions of the Governing Body remained to be clarified.
- 212.** Those points included, first, the crucial need to ensure a leading role for the ILO in the initiative, so that the Governing Body properly followed and anticipated the Coalition's activities in full alignment with existing ILO programme and budget priorities. The Governing Body should have a proactive role in setting the Coalition's strategic agenda.
- 213.** Second, the need for an appropriate governance system to enhance the visibility of the ILO's role with its tripartite constituents and strengthen the principles of tripartism and social dialogue.
- 214.** Third, the Coalition's thematic areas must be fully aligned with existing ILO priorities and action. Her group welcomed the inclusion of thematic areas from the ILO Centenary Declaration for the Future of Work (2019) (Centenary Declaration) but noted with concern the indication in document GB.349/INS/4 that the details of the Coalition's activities would be known only once other institutions and actors had formally joined. While understanding the

need for such institutions and actors to be afforded the opportunity to impact the Coalition's priorities, those priorities should be defined proactively by the ILO. She requested further information on which priorities would be presented to other organizations and expressed the hope that they would include the initial priorities set out in paragraph 36 of the document.

215. Fourth, efforts were needed to avoid unnecessary duplication of resource mobilization and to create synergies with current ILO flagship programmes. In addition, it was important to clarify how the Coalition would administer any extrabudgetary resources mobilized. The cover page of the document indicated that the Coalition had no financial implications for the regular budget; she asked the Office to clarify that matter and elaborate on the financial arrangements.
216. Fifth, the Coalition should serve to position the ILO in a leading role before the UN Summit of the Future in 2024 and the proposed UN World Social Summit in 2025, especially since calls for social justice and decent work had not received sufficient recognition in the political declaration adopted by the UN that September. The question of precisely how it would assume such a role must be considered urgently by the ILO. In that connection, the working party proposed in paragraph 37 of the document to complement actions in the lead-up to the World Social Summit should be associated not solely with the Coalition, but also with the ILO. She requested further information on how the Office planned to operationalize the ILO's input to the Summit. The Employers' group could accept the draft decision once the Office had responded to its requests for clarification.
217. **The Worker spokesperson** thanked the Office for the document, and for the consultations held since March. The Workers' group was convinced that it would be possible to move forward with a common understanding and joint commitment that could ensure the success of the Coalition for all. It was clear from the Coalition's current proposed set-up that her group's concerns relating to tripartism, and ILO standards promotion had been broadly addressed. She reiterated her group's commitment to the initiative, particularly given the clarification in the document that the Coalition would not operate as an independent institutional entity or duplicate governance or decision-making processes, which was a necessary safeguard. The group also supported the Office's efforts to reach out to other institutions and facilitate networking and exchanges of knowledge, tools and expertise.
218. Prior to the UN Summit of the Future and the UN World Social Summit, it would be valuable for the Coalition to develop a broad range of initiatives, including research as well as engagement with key international partners, and build political support for social justice. The ILO should also build on that work by developing a strategic vision for, and contribution towards, both summits. The work of the proposed working party and the Coalition were strongly linked; it was important that the Governing Body's conclusions on document GB.349/INS/5 were taken into account for the Coalition's work and in relation to the report on the state of social justice in the world and how that would feed into the 2025 World Social Summit.
219. The Workers' group considered the footnote detailing the scope of employers' and workers' organizations in document GB.349/INS/4 to be unnecessary and suggested that it be deleted in future documents. Her group would certainly call on workers' organizations from around the world to join the initiative, and looked forward to working together in the Coordinating Group.
220. The Workers' group emphasized that the Coalition's should not have its own strategic agenda, and that the ILO's strategic agenda should continue to be defined by the Governing Body. She asked how the Office intended to ensure that the social partners were adequately represented in Coalition activities and sought reassurances that the budgetary allocations necessary to

fund their participation were secured and that resource mobilization for the Coalition would not compete with that for ILO core functions. Similarly, secretariat services provided by the Office for the Coalition should not compete with those provided for the ILO's work.

221. Her group agreed with the broad scope of the thematic coverage for the Coalition's activities but requested more detailed information in future discussions about possible future initiatives, prior to the Office embarking on any major new partnership. Were the ILO to engage directly in a partnership with a private-sector entity under the framework of the Coalition, the ILO's procedure on public-private partnerships must be respected.
222. As a vehicle for amplifying the work of the ILO, the Coalition must always be in alignment with, and consider how any future collaboration might enhance, the ILO's mandate and work plan – and, in particular, the promotion of social dialogue. The Governing Body should establish a standing item on its agenda to guide the work of the Coalition. The Workers' group supported the draft decision.
223. **Speaking on behalf of the Government group**, a Government representative of Namibia thanked the Office for the consultations held and the comprehensive and clearly structured document. He commended the Office for taking on board all aspects mentioned in the purpose, objectives, thematic priorities and governance arrangements of the Coalition, and thanked the Office for the multilateral coherence of the initiative. His group encouraged the Office to work with its partners to refine the Coalition's thematic areas, with a view to creating a shared vision of social justice at all levels of governance and multiplying the impact of ILO activities. He reiterated his group's support for the initiative, which was deeply rooted in ILO's mandate, and recalled that no government could rise alone to the challenge of achieving social justice for all, although the road ahead differed for each country. His group asked the Office to keep constituents informed and involved in the preparation of the launch and looked forward to contributing actively to the process. The Government group supported the draft decision.
224. **Speaking on behalf of the Africa group**, a Government representative of Eswatini thanked the Office for the consultations held to facilitate social dialogue and consensus-building, which had made it possible to address a number of questions and concerns raised by the Governing Body. He commended the Office for taking into account the guidance provided by Heads of State and Government during the 2023 World of Work Summit and welcomed the assurances in the document that the Coalition would not create additional reporting obligations or act as a policy-setting organ for the ILO. In a spirit of furthering social justice for all, the Governing Body should remain flexible, open and alert to innovations that could strengthen the Coalition, such as those that the Director-General's progress reports might contain. Lastly, his group considered it crucial that the Coalition's official launch be held alongside the forum proposed to be held during the 112th Session (2024) of the International Labour Conference. Holding an official launch event would strengthen the Coalition's brand, attract more potential partners and take advantage of momentum built during the World of Work Summit. The Africa group endorsed the draft decision.
225. **Speaking on behalf of GRULAC**, a Government representative of Mexico expressed appreciation for the consultations held on the matter. He highlighted the importance of the World of Work Summit, where consensus was reached on the need to place social justice at the centre of the multilateral system, specifically within the framework of the 2030 Agenda for Sustainable Development. To achieve that objective, the ILO must play a leading role in defining rules and behaviours for UN entities and support States in the implementation of targeted policies.

- 226.** He recalled the need for an effective multilateral system that contributed to national efforts to achieve more cohesive and productive societies and economies, reduce poverty, hunger, inequalities and social tensions and promote respect and compliance with labour rights and ensure gender equality, quality education, peace, justice and strong institutions. His group endorsed the idea of mobilizing support for the recognition of social justice in the multilateral agenda, in particular at the UN Summit of the Future and the UN World Social Summit. It would be important to identify specific channels through which the Coalition could contribute to the preparations of those summits, which had already begun. The objective would be to achieve just societies and ensure that all human beings had the right to pursue their material well-being and spiritual development in conditions of freedom and dignity, economic security and equality of opportunities, as established in the Declaration of Philadelphia.
- 227.** As to the Coalition's governance structure, it would be important to ensure gender balance, geographical diversity and equal representation of the tripartite constituents. GRULAC supported the proposal that the Coordinating Group should include 12 Government representatives – 3 from each region – and proportional representation of the social partners. GRULAC supported the draft decision.
- 228. Speaking on behalf of ASPAG,** a Government representative of the Islamic Republic of Iran expressed appreciation for the document and consultations held. The establishment of the Coalition was a cause for optimism in her region, which faced significant challenges in achieving financial stability, economic growth and higher living standards. Although workers in the region made a huge contribution to global prosperity, the majority did not benefit from that prosperity: two thirds of the region's population lived below the poverty line. It was therefore urgent to correct the global structures and systems that fuelled inequalities within, as well as among countries and regions of the world. The promise of prosperity under globalization had clearly been breached more than it had been fulfilled, and it was urgent to harness global solidarity and mutual cooperation to accelerate the achievement of the SDGs.
- 229.** Her group strongly supported the Coalition and considered the ILO to be the organization best placed to lead such an initiative. The Coalition should be aligned with the Organization's mandate and act as a platform to promote international policy coherence, multilateral cooperation and partnerships, and global solidarity to combat global inequalities. It should not become a formal structure or another international regulatory or monitoring body, but should aim to provide a democratic space for open debate that enabled all stakeholders to learn from one another and act together, or separately in synergy, to address deficits in the world of work in order to reduce inequality. She therefore asked the Director-General to confirm that the Coalition would function as an advocacy forum rather than as an independent, standard-setting, institutional entity. She welcomed the strong tripartite process applied during the development of the Coalition and noted that previous comments by ASPAG, including those made during the World of Work Summit, had been taken on board. ASPAG supported the draft decision.
- 230. Speaking on behalf of IMEC,** a Government representative of the United Kingdom welcomed the comprehensive and clearly structured document, which duly reflected the views expressed during the tripartite informal consultations. IMEC supported the purpose and scope of the Coalition and appreciated the enhanced focus on effectiveness. It also welcomed the voluntary nature of partnership in the Coalition and agreed with the proposed coordination structure. Since the Coalition's success would depend on collaboration with external partners, the Office should develop a clear communication strategy to make the initiative attractive to them.

231. His group continued to support to the thematic policy domains discussed by the Governing Body at its March 2023 session, and encouraged the Office to continue to sharpen the thematic focus of the Coalition, as stated in the document. Furthermore, the initial priorities listed in the document mixed thematic priorities with means for achieving those objectives, which should not be the case. Beyond creating new relationships across the multilateral space, the Coalition should generate tangible outputs on the ground. In the interests of visibility and impact, activities should be centred on a few, well-defined priorities. His group also reiterated that the Coalition should be aligned with the ILO's mandate, amplify and complement its work.
232. He welcomed the information provided regarding shorter-term objectives for the Coalition, including possible aims for the Summit of the Future in 2024 and the World Social Summit in 2025, and asked what progress the Coalition would make by then, and what role it would play in those events. On financing, he asked whether the team that had been set up would be funded by resources under output 8.1, and what percentage of the operational costs for the functioning of the Coalition would be paid from the regular budget and what amount of extrabudgetary resources would be required. Given the urgent need for action on social justice, and that the time was right for the establishment of such initiative, IMEC supported the draft decision and requested the Office to keep constituents informed of preparations for the Coalition's launch.
233. **Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that the following countries aligned themselves with the statement: Albania, Republic of North Macedonia, Moldova, Montenegro, Serbia, Türkiye, Ukraine, Iceland, Norway and Armenia.
234. He thanked the Office for the transparent and inclusive process during Governing Body discussions and informal tripartite consultations that had culminated in a well-structured document. The EU and its Member States strongly supported the Coalition and its ambition. He reiterated the urgent need for social justice worldwide, and that the ILO, by virtue of its mandate, was the organization best placed to promote social justice and its other values and principles within the broader multilateral system and beyond. Although progress towards the 2030 Agenda for Sustainable Development had been held back by the COVID-19 pandemic, geopolitical instability, inflation and climate hazards, events such as the Summit of the Future and World Social Summit would help rebuild momentum. His group agreed that the Coalition should act as a platform to generate increased commitments and investments from multilateral partnerships, advancing social justice in areas where the realization of the ILO's mandate required greater solidarity and coordination with other partners.
235. The EU promoted social justice through its actions, for example under the European Pillar of Social Rights, the Global Gateway strategy or the inequality marker. Several of its Member States had also pledged financial support for the Global Accelerator on Jobs and Social Protection for Just Transitions, in alignment with the Coalition's initial priority of employment creation and universal social protection. He commended the aim set out in the document of promoting a coherent approach to labour market governance through tripartism, social dialogue and international labour standards, and the focus on enhancing the visibility and engagement of social partners with other UN organizations that were partners in the Coalition. He welcomed the fact that the Coalition would not operate as an independent institutional entity or duplicate other governance or decision-making processes but would, rather, leverage existing structures and activities. In that regard, the Office should make use of synergies and avoid the creation of overlapping structures.

236. The voluntary nature of partnership in the Coalition was also welcome, as that would avoid generating new obligations, notably in relation to reporting, and make it possible to build on partners' existing initiatives to advance social justice. A good balance had been struck in terms of governance, ensuring both tripartite ownership and the necessary flexibility to attract partners, including the World Trade Organization and international financial institutions. It was reassuring that the Coalition secretariat would be integrated into the ILO. He supported the establishment of the Coordinating Group to enhance coordination and collaboration among Coalition partners and the fact that the scope of the Coalition was rooted in the values and normative mandate of the Organization, as in the Decent Work Agenda, including fundamental principles and rights at work. Furthermore, he concurred that the proposed annual forum would be a good opportunity to exchange lessons learned and commended the alignment of Coalition activities with the ILO's priorities. He acknowledged that the initiative would significantly aid the programme and budget implementation and amplify its impact. The EU and its Member States supported the draft decision.
237. **Speaking on behalf of ASEAN**, a Government representative of Indonesia said that his group aligned itself with the statement made by ASPAG. Given the slow pace of socio-economic progress in the region, which experienced high levels of inequality despite its human and natural resources, ASEAN attached great importance to the establishment of the Coalition. Global cooperation was indispensable to the equitable distribution of the opportunities promised by changing patterns in the world of work. Indeed, the international community needed to address the root causes of global inequalities and adapt policies to ensure the achievement of the SDGs.
238. Drawing attention to ASEAN's experience of harnessing cooperation to advance decent work goals, notably through its tripartite Forum on Migrant Labour, he observed that the Coalition would be well aligned with his group's priorities of addressing decent work deficits, harnessing solidarity and mutual cooperation. The Coalition would also provide a space for the ILO's tripartite constituents and relevant actors within the multilateral system to confront the structures that hindered social justice and develop solutions to tackle social inequalities within and among countries, contributing to fairer collaboration, fair sharing of the wealth, human and natural resources that the region generated, and decent economic opportunities for all of its people, including women and young people, who made up a huge majority of the labour force, persons with disabilities, migrant workers, indigenous and tribal peoples and local and rural communities. He commended the responsiveness of the Office during the consultation process and noted with satisfaction that the Coalition would not act as a supervisory body operating separately from the ILO. ASEAN supported the draft decision.
239. **A Government representative of Colombia** welcomed the establishment of the Coalition, which offered a solid framework to advance the social justice agenda at the global level. Decent work and social justice were primordial issues for her Government. The current national development plan sought to address the underlying structural deficits causing high levels of poverty and social inequality in the country, furthering social, economic and environmental justice, as well as gender justice; structural reforms including labour, pensions and healthcare reforms, were needed to improve inclusion and social justice. Dialogue, agreement, and cooperation would be vital elements in the Coalition to further human and labour rights, in particular by guaranteeing quality jobs and social security. The Director-General's initiative would strengthen multilateral cooperation and thus further social justice and decent work, thereby supporting progress towards the SDGs. She therefore supported the draft decision.
240. **A Government representative of Barbados** thanked the Office for the document, which reflected the substantial dialogue that had taken place. He expressed strong support for the

Coalition. The initiative was of particular importance to small States such as his own, which had experienced limited social justice in its dealings with other countries. Even before the official launch, the ILO's work had helped raise awareness of the imperative need to put social justice and decent work on the agenda of multilateral organizations; developments in that area included the inclusion of disaster and pandemic clauses in debt instruments for small States, and the recognition of vulnerability as a valid consideration in bilateral and multilateral relationships. The ILO, with its unique approach to policy development, had the moral standing and responsibility to lead, drive and be at the centre of that effort. Noting that participation in the Coalition would be voluntary and would not entail any membership fees, he welcomed the proposal to encourage partners to contribute in a variety of ways, including financially. Small island developing States and least developed countries should not be excluded due to their inability to make significant financial contributions; in that regard, it was positive that technology would be used to facilitate participation in the annual forum. He supported the draft decision.

- 241. A Government representative of Pakistan** commended the Director-General for his leadership in raising the profile of social justice and welcomed the in-depth engagement of the Office with States and other stakeholders during the development of the Coalition. Social justice was at the heart of ILO's work and the foundation stone of its Constitution. It had been reassuring to hear the Director-General confirm at the 111th Session of the Conference that the Coalition would aim to "balance environmental, economic and social considerations in the global conversation, including in the reform of the international financial architecture" and "advocate policy coherence and investment in social protection and decent work". The principles of the Coalition were closely aligned with his Government's priorities, which included the strengthening of social safety nets, the facilitation of robust and inclusive social dialogues and the targeted reduction of socio-economic disparities. Its commitment to those priorities under the Global Accelerator initiative aligned well with the Coalition, and the solid foundation offered by its comprehensive policy and programme frameworks demonstrated the preparedness of Pakistan to engage actively in the Coalition. The Coalition's launch came at a pivotal moment for the world, which faced multiple interconnected crises requiring the mobilization of political will and the necessary financial resources, and the fostering of synergies with a view to strengthening the world of work, with social justice as a defining norm. He supported the draft decision.
- 242. A Government representative of Niger** thanked the secretariat for the document, which reflected the various outcomes of the consultations. The Coalition appealed to international solidarity and multilateral cooperation, allowing the Organization to better fulfil its mandate. The commitment of all stakeholders and the adoption of a collective, consensus-based approach would be essential given the importance of social justice for all States. The document, which incorporated the views expressed at the 2023 World of Work Summit and during subsequent consultations, provided a basis for further reflection and discussion. The proposed annual forum and other opportunities for exchange would be useful in operationalizing the Coalition, which would require substantial consultation and follow-up actions. In particular, he welcomed the inclusion of employment creation and universal social protection on the list of priorities, and the elevation of social justice and decent work to a top priority for other multilateral organizations. He also welcomed the recognition of economic, social and political differences in national, subregional and regional contexts, which indicated a return to the normal, apolitical functioning of the Organization, guided solely by the objectives set by its constituents. A solid foundation could be established for the Coalition, based on the proposals contained in the document and further observations from stakeholders. He supported the draft decision.

- 243. A Government representative of India** congratulated the Director-General for spearheading the initiative and for incorporating in the document the feedback shared by the constituents, as a result of which the Coalition had emerged as a clearer proposition. While he appreciated that Coalition would amplify and boost ILO's existing activities in DWCPs through multilateral cooperation with other institutions, potential partners could make informed decisions to join if more detailed examples of the potential benefits of doing so were made available. He welcomed the fact that membership, documentation, information sharing and commitments by partners were voluntary under the Coalition, which was respectful of their respective capacities and priorities. The Coordinating Group should reflect the ILO's fundamental value of tripartism; therefore, the number of Government representatives should be equal to that of workers' and employers' representatives in the Coordinating Group. Furthermore, the Coordinating Group should include an additional regional organization in order to ensure adequate geographical representation. The thematic development of the Coalition should take place before its launch, in consultation with prospective partners. Clarity on the broad contours of activities would encourage constituents and organizations to join the initiative. The role of partners as co-champions and the procedure and criteria for their designation as such needed to be explained further. He hoped that the ILO would be able to mobilize sufficient support and resources for advancing social justice in Member States, especially in the Global South. He cautioned that the Coalition should not evolve into a normative and policymaking arrangement.
- 244. A Government representative of Brazil** highlighted his President's firm commitment to social justice and welcomed the tripartite process that had led to the current, highly relevant, proposal. The thematic domains dedicated to addressing inequality, discrimination and exclusion, realizing labour rights as human rights and ensuring dignity for all were essential to the achievement of social justice as they encompassed historically excluded groups. The proposal to create a Coordinating Group that should be operational by the first half of 2024 reflected a reasonable and pragmatic approach. In line with the Coalition's objective to ensure policy coherence and enhanced cooperation within the international community, the Brazilian Cooperation Agency and the ILO had launched a new South-South partnership programme, "Social Justice for the Global South", for the period 2023–27. His Government had also recently concluded bilateral partnerships with the United States, Germany, Argentina and Spain. Several ILO Conventions were also currently before the Brazilian Parliament. He supported the suggestion to hold the first forum on social justice at the 112th Session of the International Labour Conference in 2024. Brazil remained committed to continuing engagement with the Director-General, the Office and ILO Member States to forge a strong Global Coalition. He therefore supported the draft decision.
- 245. A Government representative of China** expressed support for the establishment of the Coalition and for the ILO's efforts to develop inclusive, sustainable and resilient economic and social development on the basis of consensus in order to promote social justice. She commended the Office's efforts to take into account the views of the tripartite constituents and clarify the mandate and priorities of the Coalition. She requested further clarification on the division of work among the Coordinating Group and the secretariat, in addition to more detailed information on the financial implications of the different mechanisms. She expressed the hope that the Office would further develop the priorities established and that it would submit timely reports to the Governing Body on matters such as the structure, priorities and budget of the Coalition. She supported the draft decision.
- 246. A Government representative of Cuba** also commended the Office for its efforts in drafting the document and taking into account the views of tripartite constituents. He invited the Office

to ensure the tripartite balance of the Coordinating Group and to ensure geographic representation. He asked whether the Governing Body would steer the Coalition's work or merely receive updates on its progress. Holding the forum on social justice during the 112th Session of the Conference would leave insufficient time to implement actions and programmes under the Coalition and to assess their results. In conclusion, he emphasized the commitment of Cuba to strive for the maximum social justice possible and to promote the implementation of all measures that would lead to a more egalitarian world.

- 247. A Government representative of the Republic of Korea** expressed support for the Coalition as a timely and robust initiative that would enhance decent jobs and place that issue at the centre of the UN agenda as well as that of the international financial institutions; the initiative had the potential to broaden the reach of ILO programmes and contribute to achieving social justice. His country had supported the Global Accelerator since its launch and considered it to be a key instrument for the implementation and success of the Coalition. The Coalition should not impose additional financial commitments on Member States beyond their voluntary contributions. The Governing Body would need to discuss the Coalition more frequently than once a year in order to provide oversight regarding achievements and lessons learned and to offer guidance for the future direction of programmes. Furthermore, it was crucial to reflect the voices of all stakeholders, particularly the tripartite constituents, in efforts to expand the participation of UN agencies and international financial institutions and strengthen policy coordination for the Coalition. He supported the draft decision.
- 248. A Government representative of Indonesia** expressed support for the establishment of the Coalition. He welcomed the fact that membership of the Coalition was open and voluntary but emphasized the importance of ensuring regional representation based on the ILO Constitution. Furthermore, it was essential to avoid discussions on highly politicized or controversial issues that lacked broad acceptance among ILO Members. The representative called on the Coalition to prioritize the situation in the Occupied Palestinian Territory, and to play a pivotal role in promoting a ceasefire, peace negotiations and a lasting resolution to the conflict, as a prerequisite for achieving social justice on a global scale. He requested clarification as to how the Coalition would be incorporated into the ILO's existing structure and governance mechanisms, and further details on plans for achieving and measuring progress in the promotion of policy coherence and joint actions on social justice, in addition to an explanation of membership management and decision-making processes within the Coalition. His Government was fully committed to working with the ILO and other partners to ensure the success of the Coalition.
- 249. A Government representative of Bangladesh**, said that the document indicated clearly that the Coalition would advocate for social justice and would not be a norm-setting, independent entity. Social justice was at the core of his country's aspirations, and his Prime Minister had expressed her commitment to the Coalition during the 2023 World of Work Summit and given specific suggestions. The Coalition should promote social justice at the global and national levels and ensure that the benefits of global trade and investment were for all and did not create additional burdens for the majority. He was optimistic that the Coalition would further the cause of human society. The Governing Body must continue to provide guidance; the Director-General should report to the Governing Body on the Coalition at least on an annual basis and an item should be included on the Governing Body's agenda so that it could share suggestions and endorse the way forward. It was important for the Coalition to be a platform for advocacy and consultation rather than a decision-making body or an entity with normative power or mandated to set a strategic agenda. He therefore suggested adding the words "as an advocacy forum, not as a norm-setting, independent institutional body," at the end of

subparagraph (a) of the draft decision, for the sake of clarity and to avoid any future debate on the matter.

- 250. A Government representative of the United States** said that the tripartite consultations prior to the session had been a valuable mechanism that had made it possible to achieve a strong consensus and mandate for the Office to proceed. She welcomed the inclusion in the document of the thematic priority of promoting social dialogue and looked forward to seeing and supporting concrete action by the Office to leverage all opportunities to open a space for freedom of association and collective bargaining for a broader audience. The voluntary nature of partnership in the Coalition, the reaffirmation of the commitment for partners to support the cause of social justice, and the inclusion of clear expectations for all partners, were welcome. She looked forward to their continued engagement to advance the Coalition and to regular updates from the Office on its progress. She supported the draft decision.
- 251. A Government representative of Argentina** expressed support for the Coalition. She concurred that social justice should be a key pillar of the 2030 Agenda, and that it was crucial to count on the active and committed participation of many interested stakeholders at the national, regional and global levels. Strengthened tripartism and reinforced, effective institutional social dialogue were necessary. More needed to be done to boost the limited financial resources of developing countries, through the restructuring of debt and reform of the global financial system. It was important to continue to strive to achieve social justice, especially to fight inequalities and ensure that all individuals were able to enjoy equal opportunities, including through the promotion of access to education and healthcare for vulnerable groups. She supported the draft decision.
- 252. A representative of the Director-General** (Assistant Director-General for External and Corporate Relations) thanked the Governing Body for its overwhelming support and welcomed the inclusive and participatory consultation process that had materialized into a clear and solid document thanks to the engagement of the Workers' and Employers' groups and the different regional groups. Informal tripartite consultations could allow that open engagement to continue, and the Governing Body would be kept informed of progress, so that constituents continued to play a role in defining the work plan and strategic direction of the Coalition.
- 253.** Much work had been done to provide a clearer and more detailed explanation of what the Coalition entailed and to incorporate in the document the opinions and priorities of all constituent groups. The Coalition would not be, nor was never intended to be, a normative or independent body, and would not create any new obligations or require additional reporting. The intention had always been that different partners would join forces voluntarily, in a coalition of the willing, to amplify the ILO's work on social justice.
- 254.** On the relationship between the Governing Body and the Coalition, the Governing Body would decide on how regularly the Director-General would report to it on progress. The report would focus not only on the Coalition's accomplishments, but on upcoming actions and issues that needed to be addressed. The discussions on those reports would provide a good opportunity for the Governing Body to provide guidance and to continue to steer the strategic direction of the Coalition.
- 255.** The Coordinating Group was not intended to be a decision-making body. It was not an ILO body and did not have to follow the ILO's strict rules concerning representation. Nevertheless, a significant number of its members would be representatives of the ILO constituents. The selection criteria for members of the Coordinating Group were outlined clearly in the document. Employers' and workers' organizations would nominate their own representatives and governments at the regional level would decide who would represent them.

256. The thematic areas and initial priority areas outlined in the document were based on feedback received during the informal consultations and from participants at the 111th Session of the Conference. Further details would be provided once the Coalition had been established and the partners identified.
257. On the matter of ensuring social dialogue in the activities of the Coalition, the first step would be to encourage the social partners to become members of the Coalition. Activities at the national or regional levels would involve coordination with the UN country teams.
258. The budget for the Coalition was included under output 8.1 of the Programme and Budget for 2024–25. Although the budget was limited, there were no additional financial implications. The Coalition secretariat, under her leadership, would consist of a small team of four or five people, and operational costs would be minimal. The ILO activities to promote social justice already included in the programme and budget would continue. Rather than operating in parallel to the ILO, the Coalition would enable others, with their own resources, to add to those activities. For activities not included in the programme and budget, some resource mobilization might be required, together with other partners. She was in favour of establishing an ILO working party to ensure that the work of the Coalition was taken into account at the World Social Summit in 2025.
259. **The Worker spokesperson** requested additional clarifications on paragraph 20 of the document, on the costs relating to participation in the Coalition's meetings to be borne by the participants. If trade unions were to be able to participate, there would need to be an understanding that their participation fell within the scope of ILO-facilitated tripartism. Furthermore, she noted that there appeared to be broad agreement within the Governing Body that reporting should be a two-way process, and that the Coalition should not only report to the Governing Body but also receive guidance from it.
260. **The Employer spokesperson** said that if any participation costs were to be reimbursed to the representatives of workers' organizations, they should also be reimbursed to the representatives of employers' organizations. She welcomed and thanked the Office for the spirit of social dialogue that had reigned throughout the deliberations on the Coalition, recognizing that it had brought out the best results. The Employers' group supported the draft decision.
261. **The Worker spokesperson** said that she would be happy to participate in further discussions on how to resolve the specific question pertaining to financing the participation of the social partners. She agreed with the Employer spokesperson concerning the benefits of social dialogue and tripartism.
262. **Speaking on behalf of ASPAG, a Government representative of the Islamic Republic of Iran** requested confirmation that the Coalition would function as an advocacy forum and not as an independent standard-setting institutional entity with supervisory powers.
263. **The Director-General** said, with regard to financing, that any additional costs incurred as a result of establishing the Coalition secretariat were already being absorbed and would not present any issues moving forward. From a programmatic perspective, he confirmed that if the Coalition decided to take action beyond what was included in the ILO's programme and budget, additional resource mobilization would be needed. He gave assurances that particular attention would be given in developing the workstreams of the Coalition to the nexus of trade, productivity and sustainable enterprises, particularly with international financial institutions; the social dialogue dimension; the need to strengthen labour rights; and the need to communicate. The challenge ahead was to secure the participation of other agencies in some

of the thematic areas and, therefore, the need to remain flexible. To proceed, the support of the Governing Body would be essential. He would also welcome the support of the Group of Friends of Decent Work, a group of Member States that supported the advancement of decent work in UN processes in New York. The wording of paragraph 20 was intended to establish that it would not be for the ILO to pay for the participation of other agencies or Member States in the Coalition's meetings. He assured the Employers' and Workers' groups that he would take into account the point raised about financing the participation of the social partners. In the light of the upcoming international agenda until 2025, he would provide a report to each Governing Body and seek its feedback and guidance.

- 264.** He expressed the Office's gratitude to the constituents on their flexibility and constructive engagement since the previous November. He confirmed that the Coalition would not be a standard-setting entity and would not create any additional reporting obligations. He also confirmed that the report on the state of social justice would not include an index to compare countries, and that there would be no additional reporting mechanism. The social partners and Member States would be involved in the Office's efforts to coordinate with other UN system agencies, as well as the financial institutions, trade-related institutions and other key players. The Office would contact the relevant agencies and institutions in the near future, and a decision would be made in January 2024 as to whether the Coalition would be launched in March or June 2024.

Decision

265. The Governing Body:

- (a) **endorsed the Director-General's proposal to establish a Global Coalition for Social Justice;**
- (b) **requested the Director-General to take into account its guidance in the further development of the Global Coalition for Social Justice;**
- (c) **requested the Director-General to report regularly on the progress of the Coalition at future sessions of the Governing Body.**

(GB.349/INS/4, paragraph 52)

5. Developments in the United Nations system (GB.349/INS/5 and GB.349/INS/5(Add.1))

- 266.** The Governing Body had before it an amendment to subparagraph (c) of the draft decision, proposed by IMEC and circulated by the Office, which read:

- (c) prepare a further report on developments at the UN level, including those related to the UN reform process, and the measures taken by the Office in that regard for consideration by the Governing Body at its 352nd Session (October-November 2024).

- 267. The Employer spokesperson** recalled that the world was behind on achieving the SDGs, which could only be met with commitment from all stakeholders to accelerate action in key areas. By recognizing the role of business and employers' organizations as essential partners in developing policy reforms to create jobs and sustainable enterprises, the UN system could benefit from the private sector's crucial support in the implementation of policies. Over the previous three years, employers' organizations in all regions had been liaising intensively with UN resident coordinators, and the ILO should play an active part in supporting those efforts. Resident coordinators must harness the private sector's expertise and skills, which were often missing from public policies, rather than simply attempting to extract more financial resources. Many business and employers' organizations had created task forces, training tools and

platforms to increase awareness of the UN's goals and activities and help bridge implementation gaps.

- 268.** It was unfortunate that social justice and decent work had not received sufficient recognition in the political declaration adopted at the SDG Summit. Her group would welcome information on the Office's plans and desired outcome for all constituents with regard to the 2025 World Social Summit, at which the ILO must play a leading role. In that connection, the ILO should set up a working party comprising the tripartite constituents, the relevant UN agencies and other partners to cement its leading and inclusive role at the Summit and establish social dialogue, decent work and sustainable enterprise as priorities for future UN action.
- 269.** While she would be willing to support the amendment to the draft decision proposed by IMEC, her group also proposed deleting the words "which could include the preparation of a possible tripartite input" from subparagraph (b) and inserting a new subparagraph after subparagraph (b), which would read:
- (c) establish a "Working Party on the New Social Contract for Our Common Agenda" to prepare a tripartite input into the 2025 World Social Summit and promote and monitor engagement of tripartite ILO constituents in preparations at national and international level;
- 270. The Worker spokesperson** said that while she welcomed the progress that had been made in reforming the UN development system, further work was needed to strengthen the social partners' engagement in the United Nations Sustainable Development Cooperation Frameworks (UNSDCFs) and the common country analysis processes. In too many cases, workers' organizations had been unsuccessful in establishing structured dialogue with resident coordinators, who had shown little interest in tripartism. Awareness should be raised among resident coordinators and UN country teams of the need for social partners to participate in UN processes, DWCPs and action on the SDGs. Dialogue between ILO regional offices and the UN Development Coordination Office should be promoted to improve interaction between that Office and the social partners.
- 271.** Many of the proposals contained in the UN Secretary-General's *Our Common Agenda* were directly relevant to the ILO and offered a unique opportunity to place decent work and social justice at the heart of the global development agenda. She called for enhanced support for the social partners' engagement in the implementation of the proposals, including through the Global Accelerator on Jobs and Social Protection for Just Transitions. She called on all governments to support the Global Accelerator.
- 272.** She wished to know how the Office was involved in the preparations for the 2024 Summit of the Future and the 2025 World Social Summit and what substantive input it had made. The ILO should play a proactive role in key multilateral discussions on the 2030 Agenda for Sustainable Development and enhance its relationship with major actors in global governance to shape a new social contract. The Governing Body should set up a working party, as it had done in advance of the 1995 World Summit for Social Development, to prepare a concrete and politically ambitious proposal for a new social contract for the 2025 Summit to be adopted by the Governing Body or the International Labour Conference, or both, should time permit. To that end, the working party should review existing policies and initiatives, liaise with other international institutions and explore ideas that could contribute to social justice. It should build on, but not repeat, the commitments made in the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022; the Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022, (Social Justice Declaration); the MNE

Declaration; the ILO Centenary Declaration for the Future of Work and the work of the Global Coalition for Social Justice.

273. She wished to know how a working party could be set up before June 2024, given that the International Labour Conference would need to approve its proposals in 2024 or 2025. To avoid lengthy negotiations, the working party could be modelled on the Working Party on the Social Dimension of Globalization. She wished to know the rationale for including a specific reference to the UN reform process in the draft decision, as proposed by IMEC, given that a mechanism for reporting on that process already existed.
274. **Speaking on behalf of GRULAC**, a representative of Mexico took note of the ILO's efforts to address the slow progress towards achieving SDG 8 and asked how employers' and workers' participation in the UNSDCFs and DWCPs would be strengthened. She urged the ILO to participate more proactively in the Regional Collaboration Platform for Latin America and the Caribbean, in accordance with its mandate, and to inform the Governing Body of the activities carried out in that regard.
275. Her group would follow with interest the ILO's contribution to the social contracts of the UN Secretary-General's *Our Common Agenda* and to forums relevant to its work. She requested details of the ILO's involvement in the 2024 Summit of the Future and the 2025 World Social Summit, noting the need for swift action to ensure that work done under the Global Coalition for Social Justice was reflected in the preparatory processes for those summits. She supported the draft decision as amended by the Employers' and Workers' groups and by IMEC.
276. **Speaking on behalf of ASPAG**, a representative of Japan expressed hope that the Global Accelerator on Jobs and Social Protection for Just Transitions would boost progress towards achieving the SDGs. He welcomed the active participation of ILO field offices and the social partners in the design of many UNSDCFs and the promising alignment of several UNSDCFs and DWCPs. It was regrettable, however, that some resident coordinators had shown little interest in tripartism and cooperation with the social partners; the Office should make further effort to engage with resident coordinators and provide capacity-building to constituents. It should also cooperate further with other UN agencies to mainstream the Decent Work Agenda and social justice in UN development system planning processes.
277. He proposed deleting "and monitor" from the amendment to subparagraph (c) proposed by the Employers' and Workers' groups; with that subamendment, his group could support their proposal. He sought clarification of the intention and effect of the amendment proposed by IMEC.
278. **Speaking on behalf of IMEC**, a representative of France praised the ILO's commitment to its role within the UN Secretary-General's *Our Common Agenda*. It should engage actively in preparations for the 2024 Summit of the Future and the 2025 World Social Summit, including through initiatives that would enable it to consolidate its role, with the involvement of all constituents. She requested information on the specific steps envisaged in that regard, including regarding the "Beyond GDP" proposals and to involve the tripartite constituents in preparations for the World Social Summit. Her group would appreciate details of the working party proposed by the Employers' and Workers' groups, including its membership, the frequency of its meetings, its purpose and how it would promote and monitor the tripartite constituents' engagement in preparations for the summits at the national and international levels.
279. She called on the ILO to support and empower resident coordinators in order to implement the UN development system reform. Reports to the Governing Body on joint development

work should explain how coordination generated clear results in terms of development. She welcomed the involvement of the social partners in UN processes at the country level and encouraged the Office to continue strengthening their capacity to participate in UNSDCF and SDG activities. Noting the need to further reduce duplication and generate synergies at the country level, and expressing concern at ongoing competition among UN agencies, she called on the ILO to strengthen its consideration of the comparative advantage of the various organizations' actions in its programming and implementation activities.

280. Welcoming the progress made in implementing the revised Management and Accountability Framework, she requested figures on the number of ILO staff in the field who had provided input to resident coordinator performance appraisals, and vice versa, under the dual accountability system, as well as information on obstacles to improving the Framework. She commended the development of the UN Development System Reform Checklist for UN Entities' Governing Bodies and requested the Office to prepare an annual report on its implementation to facilitate comparison among UN agencies and track progress over time. Her group's proposed amendment was intended to reflect the importance of the UN development system reform and of the ILO's role in it.
281. **The Employer spokesperson** proposed subamending the amendment suggested by her group and the Workers' group to read "promote and ensure", rather than "promote and monitor".
282. **Speaking on behalf of ASPAG**, a representative of Japan said that his group could accept that proposal.
283. **Speaking on behalf of IMEC**, a representative of France said that her group would reserve its position on the amendment proposed by the Employers' and Workers' groups until it received a response from the Office to its question on implementation.
284. **A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that there were a number of roles that the Office could play in the 2024 Summit of the Future and the 2025 World Social Summit, including through a working party to provide tripartite input into preparations for the World Social Summit. The ILO did not have a role in negotiations on such summits, and its efforts to influence the negotiations would be strengthened by the tripartite input resulting from the proposed working party. Moreover, discussions at the country level and the participation of tripartite delegations in the summits would increase the likelihood that social justice and decent work would feature in negotiations and the summits' outcomes. Although the precise terms and conditions for negotiations on the World Social Summit had yet to be defined, it was hoped that the ILO's role would be recognized, perhaps as co-organizer. The Office would prepare a report on the status of social justice to contribute to discussions at the Summit.
285. If the Governing Body agreed to establish a working party, an informal meeting could be convened in January 2024 to lay the groundwork for its future discussions. The Office could then prepare a document on those ideas following informal tripartite consultations, and the Governing Body could decide on them and on the working party's methods of work at its session in March 2024. Lastly, a decision could be taken by either the International Labour Conference or the Governing Body on the input to the Summit. It would be useful to have proposals ready before the negotiations began. The Office would continue to take steps to increase the social partners' participation at the country level, for instance through efforts by ILO regional and country offices to educate UN staff, including resident coordinators, on the importance of such participation. The Global Coalition for Social Justice could also prove useful in that regard.

- 286. A representative of the Director-General** (Director, Multilateral Partnerships and Development Cooperation Department) said that the Office had sought guidance on the ILO's input towards the 1995 World Summit for Social Development to inform preparations for the 2025 World Social Summit. Although more information on the modalities of the Summit were needed and changes to the terms of engagement were anticipated, the Office could begin identifying options on the basis of ideas already raised, such as the proposed working party, before the March 2024 session of the Governing Body.
- 287.** The Office could strengthen its support for the role of social partners in a number of ways, including by developing capacities among resident coordinators to enhance their understanding of the role, mandate and functioning of the ILO and by capitalizing on opportunities to strengthen support for tripartite constituents in the establishment and implementation of UN Sustainable Development Cooperation Frameworks. Increasing numbers of ILO officials had become resident coordinators in recent years, which was a positive development.
- 288.** The Office would be happy to use the UN Development System Reform Checklist for UN Entities' Governing Bodies to facilitate comparison with other UN organizations and provide constituents with updates on UN developments and the ILO's contribution to those activities.
- 289.** In response to a question raised by the Government representative of France on behalf of IMEC on dual accountability, he could not say for certain whether the Office held the information requested since it might be confidential. However, he would be happy to look into the information that was available to the Office in that regard.
- 290. The Worker spokesperson** said that it would be important to learn from previous efforts to establish working parties when deciding on the modalities of the proposed working party; for instance, it would be useful to decide whether a smaller drafting group should also be established to develop proposals for consideration by the Governing Body or the International Labour Conference. There was merit in the suggestion to establish an informal working group to facilitate consultations in advance of the March 2024 session of the Governing Body. The activities of the proposed working party should end only after the Summit's closure to allow it to participate in other strands of work in the lead-up to the Summit.
- 291.** In addition to promoting national preparations for the 2025 World Social Summit, it would be helpful to enhance the visibility of, and engagement with, the ILO at the national level and show other organizations in the UN system how to involve non-governmental stakeholders in their work, including by sending tripartite delegations to the Summit.
- 292. Speaking on behalf of IMEC,** a Government representative of France thanked the Office and the Workers' group for their additional input. Her group wished to hear from the Employers' group and the Director-General before expressing its view on the draft decision.
- 293. The Employer spokesperson** expressed satisfaction with the Assistant Director-General's suggestion regarding the way forward for the establishment of the proposed working party, which should now be put into concrete terms. Tripartite constituents must be included in its establishment and activities to ensure that the ILO could provide strong and meaningful tripartite input to the 2025 World Social Summit.
- 294. The Worker spokesperson** asked whether it would be helpful to include in the draft decision that the Governing Body had decided to establish a working party and that its modalities would be discussed at the 350th Session of the Governing Body.

- 295. The Director-General** noted that the discussion was focused on the 2025 World Social Summit as the preparations for the 2024 Summit of the Future were well in hand. He expressed the Office's support for the joint amendment proposed by the Workers' and Employers' groups, establishing a working party with modalities that incorporated lessons learned from the experience of preparing for the 1995 Copenhagen World Summit for Social Development. He urged constituents to agree in principle to establish that working party, the modalities of which would then be discussed during tripartite consultations in January 2024 and would be adopted at the 350th Session of the Governing Body. That would ensure that the voices of social partners were heard. The Office had already begun engaging with the UN Department of Economic and Social Affairs (UNDESA), which would operate as the secretariat for the preparatory process. He expressed the hope that the UN General Assembly resolution that would confirm the co-facilitators of the 2025 World Social Summit, Morocco and Belgium, would also recognize the support that would be provided by the ILO. Such a resolution would therefore legitimize the work of the proposed working party and guide decision-making at the 350th Session of the Governing Body. Similarly, synergies with the work on the Global Coalition for Social Justice would also enhance the ILO's contribution to that area of work. He agreed that the proposed working party had to be efficient, and that a process was required at the national level to ensure engagement with all three constituents. A similar process had been successful in relation to the Food Systems Summit.
- 296.** Turning to the other proposed amendments to the draft decision, he supported the amendment proposed by ASPAG to delete "and monitor" from subparagraph (c). Concerning the amendment proposed by IMEC, while reporting on UN reform was already part of the Office's work, further improvements could be made. Responding to the question on the performance appraisals of resident coordinators and ILO country directors, he said that both functions were able to contribute to the appraisals of the other. However, his greater concern lay with the need to enhance the involvement of social partners in development processes at the country level. For two or more parties to engage in fruitful joint work, it was first necessary to understand how each party worked. That was particularly relevant to the work of the social partners.
- 297.** Thanking constituents for approving the Global Coalition for Social Justice, and recognizing the urgent need to launch that work, he said that the ILO should begin in 2024 to prepare for the 2025 World Social Summit to ensure coherence between the two areas of work. He said that the report on the state of social justice in the world should be published prior to the conclusion of the preparatory work for the Summit, and would therefore contribute to that process.
- 298. A representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) said that the Global Accelerator on Jobs and Social Protection for Just Transitions was a clear opportunity for the ILO to demonstrate its leadership role, and facilitated engagement between resident coordinators and country teams. However, social partners should be consulted earlier in the development of national road maps. The ILO's role in each country depended on the context and capacities in each location, including the capacity of social partners to engage in that context. Following the COVID-19 pandemic, there was increased recognition of the importance of the ILO's mandate by national ministries, social partners and other UN organizations. When preparing for global summits, it was important to identify specific examples of impact on the ground. Those stories would garner greater attention for the agenda being discussed. Moreover, the ILO should be ready to provide leadership in the implementation of the outcome of the World Social Summit on the ground. Finally, she said that significant progress had been made in UN reform. She highlighted the

diversity of the pool of resident coordinators and acknowledged the challenge and the opportunity that such rich diversity presented.

299. **Speaking on behalf of IMEC**, a Government representative of France said that, in light of the information provided by the Office, her group would support a tripartite working party. However, determining the modalities of that working party would be key to ensure that it was effective and that it completed its work in good time prior to the 2025 World Social Summit. She acknowledged the burden on governments of organizing national tripartite structures, recognizing that engagement at the national level was of great value. IMEC required time to discuss whether the modalities used in 1995 would be appropriate in the current situation.
300. **The Worker spokesperson** said that her group was not proposing that the Governing Body should automatically accept the process used in 1995. As she understood it, the Office had reviewed the modalities from various instances of tripartite collaboration, and she proposed that the Governing Body discuss those examples during consultations in order to put forward an informed proposal at the 350th Session of the Governing Body. She reiterated her proposal to include in the draft decision that the modalities of the working party would be finalized at that session.
301. **Speaking on behalf of IMEC**, a Government representative of France proposed amending subparagraph (c) by adding after the semicolon: “and organize to that end, an informal tripartite consultation in January with a view to preparing a report to the 350th Session of the Governing Body on its modalities.”
302. **The Worker spokesperson** said that she agreed with the new amendment proposed by IMEC, and thanked IMEC for its flexibility. She recalled that the Assistant Director-General for External and Corporate Relations had initially proposed discussing content as well as modalities during the informal consultations in January 2024. While it was not necessary to include that in the draft decision, she encouraged constituents to be proactive in their approach to the consultations and the work of the working party.
303. **The Employer spokesperson** said that her group did not believe that the new amendment proposed by IMEC was necessary, but that it would support its adoption in the interest of moving forward in the spirit of compromise and dialogue.
304. **A representative of the Director-General** (Legal Adviser) said that the amendments that had been proposed meant that the draft decision needed to be reworded. The original draft decision had requested various actions of the Director-General, but it was not for the Director-General to establish a working party – that was the decision of the Governing Body. The draft decision would need to be divided into two parts. The first part would request the Director-General to carry out the three actions contained in subparagraphs (a), (b) and (c), and a second part would establish the working party. To take account of the amendment proposed by IMEC, a sentence could be included which could read, “all the modalities of the working party shall be established through informal tripartite consultations.”
305. **The Worker spokesperson** acknowledged the need to amend the draft decision to reflect that the Governing Body was establishing the proposed working party, and said that the Governing Body should be guided by the Legal Adviser.
306. **The Employer spokesperson** reiterated that the amendment proposed by IMEC was unnecessary. That said, she would support the amendments provided by the Legal Adviser to clarify that the Governing Body had decided to establish the working party and that the Director-General would convene the required tripartite consultations.

- 307. Speaking on behalf of IMEC**, a Government representative of France proposed a further amendment to subparagraph (b), such that the part of the text after the semicolon would read “and asked the Director-General to organize to that end an informal tripartite consultation.”
- 308. The Worker spokesperson** supported the latest amendment proposed by IMEC. However, she recalled that she had asked whether it was necessary to include a provision for reporting on UN reform if such reporting was already under way, and requested the Office to provide clarification in that regard.
- 309. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) confirmed that such reporting was already under way. Including a reporting provision was not necessary, but neither would it be burdensome.

Decision

- 310. The Governing Body took note of the current developments at the United Nations (UN) level and:**
- (a) requested the Director-General to:
 - (i) take into consideration the views expressed by the Governing Body on the ILO’s ongoing work in support of the engagement of the tripartite constituents in UN Sustainable Development Cooperation Frameworks and common country analysis processes;
 - (ii) take account of its guidance on the ILO’s contribution to and further engagement in the UN Secretary-General’s Our Common Agenda, in the lead up to the 2025 World Social Summit;
 - (iii) prepare a further report on developments at the UN level, including those related to the UN reform process, and the measures taken by the Office in that regard for consideration by the Governing Body at its 352nd Session (October–November 2024);
 - (b) decided to establish a “Working Party on the New Social Contract for Our Common Agenda” to prepare a tripartite input for the 2025 World Social Summit and promote and ensure the engagement of tripartite ILO constituents in preparations at national and international level; and requested the Director-General to organize, to that end, an informal tripartite consultation in January 2024 with a view to preparing a report to the 350th Session of the Governing Body on its modalities.

(GB.349/INS/5, paragraph 50, as amended by the Governing Body)

6. Review of the implementation of the strategy to give effect to the resolution concerning the elimination of violence and harassment in the world of work (GB.349/INS/6(Rev.1))

- 311. The Employer spokesperson** said that when the strategy was endorsed in 2019, the Employers’ group had emphasized that the Office should focus both on promoting ratification of the Violence and Harassment Convention, 2019 (No. 190), and on its effective application. She noted with satisfaction that more than 30 ILO Member States had already ratified the Convention, and supported the pre-ratification procedures deployed in the countries concerned. The Office should conduct a more detailed meta-analysis to identify legislative, administrative or policy changes required for the ratification of the Convention as well as any

ambiguities or gaps in Convention No. 190 that may need clarification. Such an analysis would encourage more ratifications and facilitate the identification of measures to address any gaps in law and practice. With regard to data collection, her group looked forward to the discussion at the 22nd International Conference of Labour Statisticians on how to better measure levels of violence and harassment at work, given the importance of such data for informing policies and action plans at national and local levels.

312. In developing resource materials for constituents, her group suggested that the Office should pay greater attention to those who had faced historic and systemic discrimination and exert greater efforts to promote inclusivity and respect in the workplace, which was key to preventing harassment and violence against groups in vulnerable situations. This would include investing in education and guidance. Her group supported the capacity-building provided by the Office to employers' organizations on preventing and tackling violence and harassment. The ILO publication entitled *Violence and harassment at work: A practical guide for employers* had enabled employer and business membership organizations to better advise their members on the prevention and management of that issue and some employers' organizations had devised specific training for their members on the subject. In an extremely competitive labour market, employers' organizations were increasingly prioritizing the issue. Concerning the proposal to develop tools for employers to address domestic violence, a holistic approach should be prioritized, and tools and case studies for the three constituents should be developed.
313. With regard to the proposed way forward, she underscored the need to strengthen the institutional capacity of tripartite constituents to effectively implement the Convention. As regards integrating measures aimed at eliminating violence and harassment when designing new sectoral tools, the Office should facilitate consultation with constituents so that they could properly identify the sectors in which workers were most vulnerable. Given the varying realities and challenges faced by different Member States, the Office should adapt its support accordingly. Regarding the development of tools and documentation of case studies on employer/enterprise practices, additional resources and more practical tools were required to support small and medium-sized enterprises in particular. Furthermore, it would be interesting to learn how employers addressed third-party violence and harassment against employees. With those comments, her group supported the draft decision.
314. **The Worker spokesperson** stressed the importance of maintaining momentum on ratification and effective implementation. Ratification was an important first step, but implementation required dedication and engagement to identify gaps in national legislation and include relevant clauses in collective bargaining agreements. Abuses took place in situations of labour precarity; particularly during a cost-of-living crisis, it was therefore essential to adopt an integrated approach to implementation, which included ratification, legislation and reinforcement of the institutions of work, particularly collective bargaining, and the extension of collective bargaining agreements. In addition, greater emphasis could be placed on the key role of formalization in eliminating violence and harassment at work; and the strategy should address domestic violence and other types of violence at work, such as third-party violence by clients.
315. The Office should consider promoting the benefits of occupational safety and health policies and strategies aimed at preventing, addressing and eliminating violence and harassment in the world of work. It was also important to scale up efforts towards social change. Her group supported the conclusions of the 2021 general discussion on inequalities and the world of work, in particular the need to include both vertical and horizontal inequalities, and the proposal to provide responses aimed at preventing and eliminating discriminatory violence

and harassment, particularly towards groups more at risk and in the informal economy, as well as workers with precarious contracts in the formal sector, in coordination and under the proposed plan of action on labour protection for the period 2023–29. The necessary resources should be allocated for essential training and awareness-raising materials in that regard. Trade unions had requested support both for ratification campaigns and for implementation at the national level, including for collective agreements. The strategy should consider providing stronger support for constituents reforming labour laws to promote the inclusion of issues related to violence and harassment.

316. Investment in effective labour inspection and, specifically, tailored training materials for labour inspectors, was fundamental. That should have a sectoral perspective, and labour inspectors should be both trained to identify situations of vulnerability, including precarious working conditions, and protected against violence and harassment. In that regard, the Guidelines on general principles of labour inspection should be disseminated more widely. Further development of statistics and comparative studies of countries with similar socio-economic realities would also be useful in the elaboration of responses.
317. She asked the Office for clarification as to the allocation of resources to actions under the proposed way forward; since those actions would be delivered in coordination with other strategies, sufficient resources were needed to ensure that they were not diluted. In addition, she urged Member States to allocate sufficient funding and dedicate public policies, elaborated through social dialogue, to the elimination of violence and harassment in the world of work. She supported the draft decision.
318. **Speaking on behalf of the Africa group**, a Government representative of Rwanda welcomed the continued efforts by the Office to eliminate violence and harassment in the world of work. The adoption of Convention No. 190 and the Violence and Harassment Recommendation, 2019 (No. 206), as well as the related strategy for action, were commendable steps in that direction. The ratification status of the Convention and the support provided to constituents were appreciable achievements. His group welcomed the action points proposed by the Office to further the implementation of the strategy. He emphasized the need to continue to take into account that women and girls were particularly affected by violence and harassment in the world of work. In addition, more targeted efforts were needed to mobilize the necessary resources for constituents to achieve the required social change in all sectors. In closing, he thanked the Director-General for his commitment to the issue. His group supported the draft decision.
319. **Speaking on behalf of ASPAG**, a Government representative of Australia expressed support for the ILO's approach to promoting the elimination of violence and harassment in the world of work and its achievements in that regard. However, much remained to be done, globally and regionally. She welcomed the Office's work with Member States to support pre-ratification legal reviews, as requested. Her group supported social dialogue on reforms to protect workers and to create potential pathways to ratification and commended the strategy's investment in specific educational and training materials.
320. The measurable global data provided by the Office on violence and harassment, based on reliable resources, was valuable in highlighting its prevalence, risk factors and trends. The guidance on developing national methodologies of data collection was also welcome; in that regard, her group looked forward to the publication of the two reviews referenced in the document.
321. The Office should continue to provide constituents with the capacity-building and technical assistance essential to the implementation of the strategy. Continuing cross-institutional

cooperation was also needed, to avoid duplication of efforts. In the interest of a sectoral perspective, the Office should not only promote the application of existing sectoral guidelines, but also review and enhance those guidelines and associated tools in order to ensure that all components of violence and harassment in the world of work were addressed.

322. Noting the provision of a mandatory online training course for all ILO staff on preventing abuse of authority, harassment, sexual harassment and discrimination, she strongly encouraged the Office and the Chief Internal Auditor to continue to monitor and lift completion rates. Her group supported the draft decision.
323. **Speaking on behalf of GRULAC**, a Government representative of Mexico concurred with the Office's analysis that significant social change was imperative and welcomed its determination that the strategy should have an institutional and programmatic impact. Rapid progress had been made on ratification of Convention No. 190, and her region was one of those with the most ratifications. The Office should continue providing legal assistance to Governments on implementation.
324. The range of initiatives to support the tripartite constituents was welcome. The priority for GRULAC was to generate disaggregated data to enable a deeper understanding of violence and harassment and help governments make informed decisions. In light of the recently adopted resolution concerning statistics on the informal economy, it would be important to identify indicators linked to violence and harassment in the context of informality. Sectoral work and training were also important; special attention must be given to awareness-raising and promotion.
325. Her region counted on the ILO to lead change at the global and regional levels. In that regard, she asked whether the Office was collaborating with regional mechanisms in the implementation of the strategy. The strategy should be linked to other high-level initiatives, particularly the Global Coalition for Social Justice and the Global Accelerator on Jobs and Social Protection for Just Transitions, to ensure multilateral policy coherence. As the guarantor of labour rights, the ILO must lead on addressing violence, harassment and discrimination, both internally and in the UN system.
326. The gender perspective of Convention No. 190 and the related Recommendation was in line with her group's cross-cutting priorities. The strategy must emphasize the eradication of gender-based violence and harassment, on the basis of the ILO's robust body of evidence. Her group hoped to see more detail in that regard in future reports. She supported the draft decision.
327. **Speaking on behalf of IMEC**, a Government representative of Canada said that the number of ratifications of the Convention to date testified to its significance and the commitment of ILO constituents. She welcomed the Office's ongoing work to facilitate ratification and implementation through technical assistance and the development of promotional materials and training programmes. Measures to assure accessibility should continue to receive appropriate consideration. She also welcomed the Office's awareness-raising efforts, with a view to achieving wider impact and strengthening resource mobilization.
328. With a view to maintaining momentum, IMEC supported the proposals for the way forward, in particular the proposal to scale up efforts towards social change. An intersectional approach and coordinated efforts were needed to combat harmful societal norms, including in the specific context of gender-based violence and harassment. In that regard, she called on the Office to revitalize efforts to protect all groups disproportionately affected and to address the specific needs and challenges of workers in small and medium-sized enterprises and in the

informal economy. She agreed with the Office on the need to further explore the implications and impact of emerging frontiers in a world of work on people's vulnerability and exposure to violence and harassment. Efforts to collect statistics on the prevalence, types and costs of violence and harassment should remain a key priority.

- 329.** The Office should also continue its efforts to establish a positive institutional framework, including through leading by example. In that regard, she welcomed the code of conduct for ILO events distributed at the 111th Session (2023) of the International Labour Conference and looked forward to seeing an updated version soon. Given its expertise, the ILO should play a key role within the UN to promote system-wide collaboration on encouraging inclusivity and combating all forms of violence and harassment in the workplace. IMEC supported the draft decision.
- 330. Speaking on behalf of the EU and its Member States,** a Government representative of Spain said that Albania, North Macedonia, Republic of Moldova, Montenegro, Serbia, Iceland and Norway aligned themselves with her statement. She supported the statement made on behalf of IMEC. Nobody should have to choose between their right to work and their right to live free from violence and harassment. The adoption in 2019 of Convention No. 190 and the related Recommendation was a significant milestone towards the creation of a safe and healthy working environment based on dignity and respect for all. However, their true value lay in their implementation and would be measured by their impact. In that regard, she welcomed the Office's work to increase ratifications and stimulate legislative and policy reform and expressed appreciation for the legal support and guidance that it provided.
- 331.** Solid, comparable data were crucial to provide insights and inform policy for an effective response. Efforts in the area of statistics were appreciated, and further advancement was encouraged. It was important to give specific attention to understanding the increased vulnerability of groups at greater risk of violence and harassment including on grounds of sex, race, ethnic or social background, religion or beliefs, political or other opinion, disability, age, sexual orientation and gender identity.
- 332.** She welcomed the strengthening of training for social partners, as well as the development of ILO codes of practice and guidelines at the sectoral level. Tools addressing violence and harassment should also be developed for use in emerging frontiers in the world of work.
- 333.** She also welcomed the steps taken by the Office to promote a safe and healthy working environment and prevent sexual exploitation, harassment and abuse within the Organization. Victims' interests must be prioritized and they needed to be offered high-quality support throughout the reporting process. Addressing gender-based violence, mental health and psychosocial support were also essential in that regard. She welcomed the code of conduct for ILO events and looked forward to its dissemination and use at all ILO meetings. She supported the draft decision.
- 334. A Government representative of Barbados** reiterated that violence and harassment, including gender-based violence and harassment, was a scourge that must be eliminated. The pace of ratifications thus far was promising, and the Office should continue to encourage further ratifications. The COVID-19 pandemic had increased challenges relating to the impact of violence and harassment on the world of work, including domestic and intimate partner violence. As the world continued to recover, amid many other challenges, it was important for all workers to be able to participate in the economic life and development of their nations, particularly in small island developing States and least developed countries.

335. The ILO should urgently address developments in technology with the potential to facilitate and amplify harassment. He supported improving coordination with other UN agencies. His Government was working on programmes to address gender-based violence with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme. He supported the draft decision.
336. **A Government representative of Namibia** said that his country had been the third in the world and the first in Africa to ratify Convention No. 190. That was a result of a conscious decision during the standard-setting process to pave the way with pre-ratification implementation. His Government appreciated the global support for the Convention, demonstrated by the pace of ratification. The technical assistance provided by the Office for implementation was also appreciated. In that regard, Namibia had developed a training programme to promote a culture of dignity and respect at work, and the Ministry of Labour was continuing to secure commitments for workplace training in key sectors. A tripartite task force had agreed a package of amendments to the Labour Act to incorporate the provisions of the Convention.
337. The report demonstrated that everyone could learn from the experiences of the growing number of ratifying countries. He welcomed the ILO portal on Eliminating Violence and Harassment in the World of Work, its technical briefs on specific topics, the studies to better understand the root causes and manifestations of violence and harassment in selected countries, and the tools developed to measure the incidence of violence and harassment. He supported the draft decision.
338. **A Government representative of Colombia** agreed that, while ratification of Convention No. 190 and legal reforms were essential, ending violence and harassment required significant social change, with interventions at multiple levels, across sectors and in different areas of law, policy and practice. His Government was committed to working towards that change through social dialogue. Ending violence and harassment was one of its priorities, as demonstrated by measures including the creation of an elite group on gender, including women labour inspectors; an inspection protocol to protect the rights of domestic workers; and an awareness-raising campaign on the issue. A study was also under way with the Office and the social partners to identify gaps in law and practice, paving the way for ratification of Convention No. 190, while other legislative reforms to address the issue were already in progress. Expressing support for the draft decision, he encouraged the Office to continue its work to implement the strategy.
339. **A Government representative of Pakistan** said that the review presented a promising way forward on efforts to eliminate violence and harassment in the world of work. His Government had taken proactive steps to address gaps on that issue, including provincial capacity-building initiatives in collaboration with social partners. The Employers' Federation of Pakistan had developed a policy to promote gender equality and the efforts of the Pakistan Workers' Federation to create a pool of national experts and ambassadors for Convention No. 190 had generated support for that cause. Ratification of the Convention was a priority for his Government, as part of its wider commitment to advancing labour standards and protecting the rights and well-being of workers across Pakistan. He supported the draft decision.
340. **A Government representative of India** said that the elimination of violence and harassment in the world of work was a prerequisite for creating safe, equitable and respectful workplaces. To that end, a range of practical and legislative measures had been introduced nationally to uphold equality of employment opportunities, address discrimination and harassment in the workplace and promote the participation of women in the workforce. Under the Indian

presidency, G20 members had also reaffirmed their commitment to achieving the Brisbane goal to reduce the gender gap in labour force participation. Concerning the survey on experiences of violence and harassment at work referenced in paragraph 10 of the document, he observed that the sample size of 3,000 interviews was not sufficiently representative of a country as large and diverse as India; more representative samples should be used in future. In addition, close attention should be paid to data protection and personal safety, especially for women, in the context of the widespread adoption of technologies using artificial intelligence, machine learning and big data.

- 341. A Government representative of the United Kingdom** welcomed the continued focus on implementing the strategy and the Office's efforts to encourage Member States to ratify and effectively implement Convention No. 190, including by supporting capacity-building among constituents. Those actions would be a key driver for change and should remain at the centre of the Office's strategy to maximize the efficient use of available resources. It was also positive to see that violence and harassment was a possible priority area for the Global Coalition for Social Justice; coordination and the strengthening of partnerships across the multilateral system would be crucial to achieve the goals of the strategy. The United Kingdom remained committed to protecting and promoting the safety and rights of women and girls, as reflected in national strategies, and had recently passed legislation to enhance worker protection. She commended the proposed way forward outlined in the document and supported the draft decision.
- 342. A Government representative of Indonesia** drew attention to several national instruments on the prevention of sexual violence in the workplace, observing that social dialogue was key to addressing the issue of violence and harassment as it empowered workers to take ownership of related measures and allowed an inclusive, gender-responsive approach. He welcomed the proposed way forward and commended the support provided to constituents in line with the new Global Strategy on Occupational Safety and Health, and the proposed plan of action on labour protection for the period 2023–29. His Government supported the strategy, and agreed that its scope should be expanded to include the informal economy and emerging areas such as telework, the platform economy and the use of artificial intelligence. The Office should also place more emphasis on integrating work on violence and harassment in situations of crisis, especially conflict. Noting the steps taken by the Office to ensure that Convention No. 190 was central to COVID-19 response and recovery measures, which reflected commendable commitment to safeguarding the rights and dignity of all workers, his Government called for the guiding principles of the Convention to be similarly integrated into the Organization's crisis response programmes worldwide, particularly in the Occupied Palestinian Territory. Indeed, crisis situations were often the setting of increased workplace violence and harassment, with vulnerable groups – including women, refugees, internally displaced persons and those working on the humanitarian front line – facing particular risks. His Government appreciated the ILO's steadfast commitment to training, advocacy and the establishment of support networks, but considered that a more comprehensive, multi-faceted approach was needed in such contexts. An effective legal and institutional framework could only take root in an environment of peace and stability; he therefore urged the Governing Body to support the implementation of UN General Assembly resolution ES-10/21 of 27 October 2023. His Government supported the draft decision.
- 343. A Government representative of Argentina** commended the progress made with regard to ratification of Convention No. 190 and welcomed the support provided to the tripartite constituents. The elimination of violence in the world of work was a priority in her country, as workplace violence and harassment posed a threat to human rights, decent work and the

integrity of individuals. Numerous national measures had therefore been introduced in line with the strategy, notably to build the capacity of employers' and workers' organizations and civil society stakeholders, and to prevent violence and harassment in various settings. Social dialogue was an important element in tackling those issues, while a gender-responsive approach was also crucial, as outlined in the Convention. She encouraged the Office to continue its work as set out in the way forward proposed in the strategy, with a view to bringing about the social change necessary for a world of work free of violence and harassment. She supported the draft decision.

- 344. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue) took note of the tripartite appreciation for progress thus far with regard to the implementation of the strategy and for the proposed way forward, as well as for the efforts put forward by the Office in support of the Member States and its constituents. She also underscored that the Office had adopted measures to address violence and harassment in its own working environment to ensure that it practised what it preached. The experiences and initiatives shared by members of the Governing Body would inform the next steps of the Office. Due note had been taken of issues for further attention, including the need to enhance data collection, highlight work on gender-based violence and harassment and pay attention to groups at potentially greater risk of violence and harassment because they were subject to employment discrimination. Many speakers had also alluded to the importance of measures to prevent violence and harassment towards informal workers.
- 345.** She echoed the words of appreciation for the very high number of ratifications. That had resulted in correspondingly high demand for support and necessitated the careful use of resources. In practical terms, the Office was mainstreaming the prevention of violence and harassment in a number of strategies, such as those on labour protection, occupational safety and health, and freedom of association and collective bargaining; doing so would make addressing violence and harassment a collective responsibility. Efforts were under way to broaden partnerships within the Office through a multidisciplinary task force, but further representation from across the Organization was needed and redoubled efforts to ensure shared understanding of the issues at hand and establish practical measures to prevent and address violence and harassment at work. Partnerships were also being expanded within the multilateral system, beyond the ILO. In the Americas, collaboration on the occasion of the 16 Days of Activism on Violence against Women and Girls was being organized with the Organization of American States, while closer links were being established between Convention No. 190 and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. She thanked those Governments that had provided development cooperation support thus far and encouraged others to consider contributing in order to enable the ILO to fully deliver on the strategy.

Decision

346. The Governing Body:

- (a) **advised the Office on the way forward regarding the implementation of the strategy for action concerning the elimination of violence and harassment in the world of work; and**
- (b) **requested the Director-General to take into consideration the strategy, and the guidance given during its discussion, when preparing future programme and budget proposals and facilitating extrabudgetary resources.**

(GB.349/INS/6(Rev.1), paragraph 37)

7. Work plan on the strengthening of the supervisory system: Review of the arrangements to allow for optional voluntary conciliation and other measures introduced on a trial basis concerning the operation of representations submitted under article 24 of the ILO Constitution and consideration of proposals to streamline reporting under article 22 (GB.349/INS/7)

347. The Governing Body had before it an amendment to subparagraph (c) of the draft decision, which had been proposed by the Workers' group and circulated by the Office, to insert, following the words "based on its guidance", the words "and prior informal tripartite consultations".
348. **The Worker spokesperson** said that the increasing number of representations submitted each year under article 24 of the ILO Constitution showed that workers' organizations valued the supervisory system. Obstacles to its functioning should be identified and addressed so that it could deliver on its mandate. Given that half of the voluntary conciliation procedures initiated during the trial period in the context of article 24 representations were ongoing, more time would be needed to fully assess the effectiveness of the procedure. Complainants should not feel compelled to engage in conciliation, given its voluntary nature, and the information provided by the Office should not include recommendations in that regard or suggest that rejecting conciliation would have a bearing on the supervision of the representation. It would be useful to know whether the representations submitted and closed during the trial period following voluntary conciliation or other measures at the national level had been closed to the satisfaction of petitioners and in line with the Conventions in question, and whether the agreements reached had been complied with in full. Such information would indicate whether the supervisory system was being strengthened and enhance understanding of how to reach successful outcomes.
349. It would be helpful to understand the factors that led to repeated requests to extend the suspension of the examination of the merits of a representation. His group supported the proposal to stipulate that the initial six-month period could be extended only once, for a further six months, after the ad hoc tripartite committee had deemed there to be a reasonable prospect of reaching an agreement. The role of the Office, including ACT/EMP and ACTRAV, in the conciliation procedure should be clarified. It would be useful to know how conciliation was initiated and what measures would be taken by the Office to help parties commence and conclude conciliation. His group supported the proposal to consider additional measures to raise awareness among constituents of the voluntary conciliation procedure, with emphasis on its voluntary nature. In addition, it was important to ensure that the national conciliation process was credible and enjoyed the confidence of the complainant, and that capacity-building was provided to the parties in that regard at the national level.
350. He welcomed the regular provision of information to the Governing Body on article 24 representations, which had shone a light on the unacceptable delays in nominating members to ad hoc tripartite committees. He also welcomed the suggestions from the Office on how to eliminate those delays, which merited further consultations, and expressed support for paragraph 29 of the document.
351. His group saw value in further reflecting on the streamlining of reporting in the context of the effort to modernize the regular reporting system under article 22. He took note of the pilot project on the establishment of baselines for the Promotional Framework for Occupational

Safety and Health Convention, 2006 (No. 187), and the feedback provided in that regard. The social partners should be consulted on the proposal to group Conventions into themes. Careful consideration would be needed to ensure that important matters were not lost or downplayed as a result of the adoption of a thematic approach.

- 352.** Measures taken to modernize the system must not be burdensome for governments or the social partners or diminish the effective application and supervision of international labour standards. It was important to identify inclusive processes and tools to achieve the desired outcomes. Changes to reporting must not have unintended consequences on other supervisory mechanisms; the Committee on the Application of Standards, for example, should be able to reach conclusions on matters of particular concern without needing to address multiple issues across multiple Conventions. His group took note of the two proposed short-term measures to facilitate reporting and had no objection to providing report forms as Word documents. It could accept the proposal to discontinue requests for reports under outdated Conventions in cases without pending direct requests or observations from the Committee of Experts on the Application of Conventions and Recommendations (CEACR), provided that doing so would not in any way affect the right of the social partners to submit observations on outdated Conventions under article 23 or representations under article 24. His group had proposed an amendment to the draft decision to include a reference to informal consultations in subparagraph (c).
- 353. The Employer spokesperson** said that the Employers' group was strongly in favour of the suspension of article 24 procedures in cases where voluntary conciliation at the national level was chosen, observing that conciliation could improve social dialogue and help find lasting solutions. Although the voluntary conciliation procedure had not had a significant impact during the trial period, the figures showed that it could be successfully used to resolve the issues raised, suggesting that greater efforts should be made to raise awareness of the procedure and its benefits. The need to promote the procedure further was also demonstrated by the fact that parties had agreed to refer their dispute to voluntary conciliation at the national level in only two of the complaints submitted to the Committee on Freedom of Association under the special procedure. He agreed that requests to extend the duration of the conciliation procedure should be granted only if there was a reasonable prospect of reaching an agreement and that the ad hoc tripartite committee should be kept informed of progress made.
- 354.** Given that the voluntary conciliation procedure was intended not only to reduce the reporting burden, but also to resolve conflicts as effectively as possible, the role of the Office and of the secretariats of the Employers' and Workers' groups should be clarified, which would also encourage the parties to the conflict to make best use of the assistance available. In that regard, he called for comprehensive, timely and transparent communication on cases between the Office, the secretariats of the groups and the parties to the conflict. However, rather than having the Office convene a meeting to explain the procedure, as suggested in the document, it might be a better use of time and resources to share that information on the Office's website. On a similar theme, he said that giving greater visibility in CEACR reports to the observations transmitted by the social partners under article 23 might help to redirect potential representations to the regular system of supervision. His group welcomed the adoption of a similar approach to voluntary conciliation by the Committee on Freedom of Association.
- 355.** In terms of the assessment of other related measures, he welcomed the fact that the Governing Body was now informed by the Office of pending representations at its March and November sessions. In the interests of greater transparency, comprehensive and timely information should be shared on cases. In addition to information already provided by the

Office, the secretariats of the Employers' and Workers' groups should share information about the schedule of meetings of the ad hoc tripartite committees, which would also support the timely appointment of committee members. His group supported the proposal to establish a list of potential candidates to speed up the appointment process.

- 356.** Noting the positive response to the introduction of article 22 baseline reports, he nevertheless underscored the need to address the growing workload of the Office. The use of thematic grouping for reporting was a positive development; the Employers' group had been calling for such an approach for many years to make reporting more focused and effective, and help improve transparency, cost-efficiency and application. However, further information should be provided on implementation needs in that regard and whether another trial would be held. Although it fell principally to the governments to assess whether the proposals were viable in practice and whether they would decrease the reporting burden, it was vital that any changes made did not restrict the right of the social partners to submit observations under article 23 or delay the examination of those observations by the CEACR. His group also supported the other streamlining proposals, particularly those concerning the digitalization and publication of reports to foster transparency and efficiency, the conversion of existing report forms into Word documents and the discontinuation of requests for reports under outdated Conventions in cases where there were no pending direct requests or observations from the CEACR, on the condition that their implementation would not affect the right of social partners to submit observations on outdated Conventions under article 23. His group supported the draft decision as amended by the Workers' group.
- 357. Speaking on behalf of the Africa group,** a Government representative of Malawi said that efforts to strengthen and modernize the supervisory system were on the right track, and she welcomed the successful closure through voluntary conciliation of a number of representations submitted during the trial period, within a record period of ten months. Her group agreed that there should be a time limit on the suspension of the examination of the merits of a representation for the purposes of conciliation; the proposal to allow the extension of the initial six-month period with the agreement of the parties appeared reasonable. Any limit on the number of such extensions should be considered within the broader context, with the Office preparing guidelines on how to proceed in the event that conciliation efforts failed or were only partly successful. Her group also supported the proposals to involve the social partners and the Office in the voluntary conciliation procedure in the context of article 24 representations where necessary; to explore additional measures to raise constituents' awareness of the use and functioning of the procedure; to establish a list of potential candidates to facilitate the timely appointment of tripartite committee members; and to amend the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 accordingly. Turning to the proposals to streamline article 22 reporting, she noted the generally positive evaluation of the pilot project, but urged the Office to address potential challenges by expediting improvements such as the development of a dedicated IT tool and the introduction of a technological platform for thematic reporting. It should also provide an estimate of the cost of developing those solutions and for capacity-building, and pursue the additional short-term measures proposed. Her group supported the draft decision as amended.
- 358. Speaking on behalf of GRULAC,** a Government representative of Mexico welcomed the efforts to streamline reporting to guarantee the sustainability of the supervisory system. It was essential to continue developing the voluntary conciliation procedure, to lighten the Office's workload, particularly for the Committee on Freedom of Association, and to stimulate national social dialogue. Noting that every conciliation procedure was unique, she expressed support

for the proposal for the Office to convene a meeting to explain the process and timelines of the procedure, and the main elements of the relevant Conventions. It was positive that most respondents had welcomed the introduction of article 22 baseline reports; her group wished to see work continue in that direction. It also favoured steps to reduce the number of reports requested, the use of simple templates to facilitate reporting, and thematic coherence for more effective supervision. Such measures to reduce the reporting burden were particularly relevant in her region, which had a high Convention ratification rate. GRULAC supported the draft decision as amended.

- 359. Speaking on behalf of IMEC**, a Government representative of the United States noted that the voluntary conciliation procedure appeared to be fit for purpose, as it had led to the settlement of a fifth of representations submitted and closed during the trial period. The measures should be continued, but fine-tuned as suggested. Her group agreed that conciliation should be time-bound, to encourage parties to fully engage in the process and promote efficient case handling. However, the time frame proposed in paragraph 21 might be too short; an exception to the single extension of six months should be permitted where the parties so agreed, provided there was a reasonable prospect of reaching an agreement. IMEC supported the proposal to develop additional measures to increase awareness of the option for voluntary conciliation and agreed that Office briefings for parties seeking conciliation could be one such measure. The group also appreciated the proposed measures to improve transparency, the timely submission of documents and the timely appointment of members of the ad hoc tripartite committees. Regarding the proposal to establish lists of potential committee candidates, she asked the Office to confirm that a list of six candidates from each region would be sufficient to ensure that committees included members from States that had ratified the Conventions concerned.
- 360.** In relation to article 22 reporting, her group commended efforts to trial new modalities, better understand the reporting burden on Member States and compare treaty-based reporting practices across relevant organizations. It noted with interest the results of the pilot project on article 22 baseline reports and emphasized the need for continued efforts to address the reporting burden faced by governments. The Office should develop proposals to further simplify and improve the efficiency of reporting. To that end, IMEC was open to exploring a move to thematic reporting, although such a move would raise questions as to whether Member States would be required to complete only the questions related to Conventions they had ratified. The Office should clarify the proposed impact of thematic reporting on CEACR observations and direct requests. Although thematic reporting could eliminate redundancies and allow the CEACR to focus on specific issues, it was unclear how, under a thematic approach, supervision could remain grounded in the obligations related to specific ratified Conventions while the reporting burden was reduced.
- 361.** IMEC supported the proposals to digitalize reporting but would like more information on the costs involved. It was important to retain the flexibility for governments to submit reports via email. The group was open to discussing options to enhance peer learning, including by publishing article 22 reports, taking into account that preparing reports for publication could entail additional vetting and therefore require additional time and resources. In addition, it might be unhelpful to publish reports that only provided a snapshot of developments during a reporting period, rather than a comprehensive picture of a country's law and practice. She asked the Office to provide examples of other UN treaty reports that were published in full to facilitate consideration of that proposal. The group supported the proposed short-term measures and the draft decision as amended. It also suggested the Office convene an

information session on proposed changes to the article 22 reporting process before presenting further proposals to the Governing Body.

- 362. A Government representative of Pakistan** welcomed the proposals contained in the document, which would yield substantial improvements in terms of efficiency and transparency and facilitate more effective reporting. The work plan represented a landmark in the safeguarding and promotion of human and labour rights on a global scale. His Government remained committed to strengthening cooperation among Member States with a view to enhancing the operational efficiency of the ILO. It endorsed the amended draft decision.
- 363. A Government representative of Eswatini** said that use of the voluntary conciliation procedure had strengthened social dialogue in his country and had helped to rebuild trust between parties. In addition, the associated capacity-building workshop on international labour standards and the working methods of the ILO's supervisory bodies had enabled the constituents to initiate discussion of an action plan to facilitate the implementation of ratified international labour standards. The technical support provided by the Office had been extremely useful and had enabled the parties to effectively set the parameters of the conciliation process. He agreed that guidelines on the process would be a useful additional tool to clearly establish the expectations of the ILO and reduce delays due to procedural uncertainties; among other things, they could address the issue of extensions of the suspension period, including in cases where one party objected to an extension, or where greater flexibility was needed.
- 364. A Government representative of India** commended efforts to implement the work plan and agreed that conciliation should be framed by the national context, with parties free to determine the procedure accordingly. On that basis, and to ensure that sufficient time was allowed for successful conciliation, extensions of the suspension period should not be prescriptive, but rather based on mutual agreement between the parties. With regard to the article 22 baseline reports, he welcomed the proposal to adjust the distribution of subjects to ensure a balanced distribution of reports across the years, and to spread that process over at least seven years to allow governments to work gradually towards completion of the thematic reports. The Office should provide technical assistance to Member States to facilitate a smooth transition to the new reporting format.
- 365. A Government representative of the Republic of Korea** said that the fact that four cases had been successfully concluded using the voluntary conciliation procedure suggested that conflicts that could potentially be resolved through domestic tripartite conciliation systems were placing an unnecessary burden on both the supervisory bodies and the ILO constituents. Her Government therefore supported the institutionalization of the procedure. Greater efforts should be made to ensure that the ILO served as a platform for constructive social dialogue, rather than a forum for airing conflicts. Her Government also supported the measures to streamline and improve article 22 reporting, notably to categorize the ILO standards into 15 thematic groups. However, the proposal to publish article 22 reports and social partner observations in full should be approached with caution, as doing so could exacerbate disagreements between the constituents. She supported the draft decision as amended.
- 366. A representative of the Director-General** (Director, International Labour Standards Department) thanked the Governing Body for its guidance, which would be considered in further work to strengthen article 24 and article 22 procedures. She gave her assurances that all communications from the Office on the voluntary conciliation procedure for representations submitted under article 24 emphasized the voluntary nature of the

engagement. The fact of having closed a representation to the satisfaction of the parties was currently the main indicator of the procedure's success. It was too early to assess whether agreements had subsequently been complied with, but that would be monitored, as all outcomes of article 24 proceedings, including those achieved through conciliation, were followed up through regular supervision by the CEACR.

- 367.** Turning to queries about the role of the Office, including ACT/EMP and ACTRAV, and the secretariats of the Employers' and Workers' groups in voluntary conciliation procedures in the context of article 24 representations, she acknowledged that it was essential to provide clarification on that and other matters at the start of a procedure and noted that there was general support for the Office to convene a meeting for that purpose. Previous such meetings had proved useful in helping the parties to reach agreement. The example provided by the Government representative of Eswatini had illustrated the type of technical assistance that could be provided by the Office, which could also act as a neutral observer where necessary, or provide logistical support. The Office would enhance those support efforts, notably by compiling and promoting good practice in terms of conciliation and identifying priority areas for technical assistance. Regarding the ad hoc tripartite committees, she was of the view that having six potential committee candidates on the list would ensure sufficient representation.
- 368.** The Office had taken due note of the concerns expressed regarding article 22 reporting. Thematic reporting would focus solely on the Conventions that had been ratified. In terms of publishing the reports, the UN human rights treaty bodies constituted one example of a forum in which full reports were published as official documents; the subject would be explored with caution, taking into account the concerns raised in that regard. Due consideration would also be given to all the other issues raised during the discussion, and an information session arranged in due course.

Decision

369. The Governing Body:

- (a) took note of the Office's progress report on measures concerning the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution and proposals to streamline reporting under article 22 of the Constitution;**
- (b) confirmed the arrangements allowing for optional voluntary conciliation or other measures at the national level that were introduced on a trial basis in November 2018;**
- (c) requested the Office to prepare, based on its guidance and prior informal tripartite consultations on considerations set out in paragraphs 19–29 of document GB.349/INS/7, proposed amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization (Annex I to the Compendium of rules applicable to the Governing Body of the International Labour Office) for its consideration at its 350th Session (March 2024);**
- (d) requested the Office to present, based on its guidance and prior informal tripartite consultations, proposals for the streamlining of reporting on ratified Conventions at its 352nd Session (October–November 2024);**
- (e) endorsed the short-term measures to modernize the reporting process set out in paragraphs 64 and 65 of document GB.349/INS/7.**

(GB.349/INS/7, paragraph 67, as amended by the Governing Body)

8. Global Strategy on Occupational Safety and Health 2024–30 and plan of action for its implementation (GB.349/INS/8)

- 370. The Worker spokesperson** noted that the strategy had taken into account many of the comments provided by the workers during the informal consultations. Occupational safety and health could only be achieved if the ILO provided leadership and promoted social justice. The goal of the proposed global strategy on occupational safety and health 2024–30 and the plan of action for its implementation must be to reduce the number of occupational fatalities, injuries and diseases, and the associated socio-economic costs, by enhancing constituents' capacity for occupational safety and health. To do so, occupational safety and health should be a clearly defined area of work and the ILO must have the human and financial resources it needed at all levels. Thus, her group supported increasing the number of occupational safety and health specialists.
- 371.** In order to realize the fundamental right to a safe and healthy working environment, there needed to be a culture of prevention as provided for in the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The proposed global strategy should take cultural diversity into account in order to reach the most vulnerable populations and to incorporate relevant ancestral knowledge. The ILO should promote the ratification of the fundamental occupational safety and health Conventions and allocate resources to that end, and set a goal for the number of ratifications to be attained by 2030. Best practices from those countries in which the relevant Conventions were already being implemented should be promoted.
- 372.** Social dialogue was part of the ILO's DNA and should be better emphasized and promoted in the proposed global strategy, which should be human-centred and gender-transformative. The proposed strategy should be consistent with other ILO strategies so as to facilitate its full implementation. Constituents should promote clear public policies on occupational safety and health and implement the best interventions to prevent accidents and diseases. Decisions in that regard should be made on the basis of credible and updated data.
- 373.** Concerning action area 1, her group supported the review of the ILO's list of occupational diseases. Efforts to ratify Conventions should also promote sectoral agreements, especially for high-risk sectors. She asked the Office to prepare a proposal for a ratification campaign, with clear goals for the number of ratifications and the adaptation of national legislation. In action area 2, the Office's global leadership on occupational safety and health was welcome, but could be more ambitious. The importance of social dialogue in developing international cooperation agreements was also covered by action area 5. Regarding action area 4, support should be provided not only at the national level, but also at the sectoral level, to facilitate the implementation of international labour standards and sectoral codes of practice. Efforts to strengthen constituents' occupational safety and health capacities should lead to the continual improvement of frameworks, policies and strategies at the national level. The effective implementation of the proposed global strategy would also require resilient and well-resourced labour inspection systems.
- 374.** Her group was concerned regarding the need for adequate regular budget or extrabudgetary resources to implement the ambitious proposed global strategy and plan of action and, in particular, to establish the training programmes that would be required at the Turin Centre. She asked the Office to clarify from where those resources would be obtained.
- 375.** The Workers' group supported the draft decision, and commended the detailed proposed plan of action. While agreeing that its implementation should be reviewed in 2027, an earlier review

might be necessary. Her group also requested the Office to prepare a progress report after one year of implementation.

- 376. The Employer spokesperson** said that the report might have taken as a more positive starting point the momentum created by the elevation of occupational safety and health to the fifth fundamental principle. The proposed strategic framework provided a sound basis for ILO action. Creating a culture of prevention and providing support to all constituents to develop policies that were sustainable and adaptable to new risks and challenges should underpin the strategy. There were benefits to be gained from the digital transformation, and the proposed plan of action should promote a positive mindset towards innovation. The reference in the proposed global strategy to reducing inequalities was surprising, as its only goal should be to prevent and reduce the number of fatalities and diseases at work. Nevertheless, full implementation of the proposed strategy would inevitably have a positive impact on inequality.
- 377.** His group supported the four guiding principles, and emphasized that all forms of social dialogue should be promoted. The proposed global strategy should recognize the need for shared responsibility for promoting occupational safety and health at all levels. Endorsing the strategic pillars, he said that the Office must be careful not to deplete resources by focusing on the extension of occupational safety and health protection to informal workers; it should, rather, seek to bring such workers into formal employment. In addition, the areas of mental health and well-being were closely linked and should be addressed together. Furthermore, the proposed global strategy and plan of action did not recognize the importance of an enabling environment for businesses in the provision of a safe and healthy working environment. He recalled that, under the ILO Centenary Declaration for the Future of Work, efforts should be directed to the private sector as the principal source of job creation, recognizing that occupational safety and health principles should also be applied in the public sector.
- 378.** In respect of the outputs set out in the proposed plan of action, the Governing Body should be provided with information regarding the scope, content, and purpose of the proposed review of the ILO list of occupational diseases referred to in output 1.2.5 before his group could agree to it. He asked whether the tripartite consultations referred to in output 1.5 would take place in the context of the Governing Body and why time frames had already been established if they were meant to take place upon request. The actions proposed under output 1.5.2, which he took would be requested by the Governing Body as required, should focus on good mental health; the absence of psychosocial risks did not equate to good mental health and many so-called risk factors could also be enablers.
- 379.** While his group supported output 2.1.2, paragraphs 31 and 32 should be edited to clarify that the constituents would be the main beneficiaries of the “revamped” global network and that the ILO would remain the body responsible for policy recommendations. He sought clarification regarding the guidance to be produced under output 2.3.4, noting that any research should focus in pragmatic terms on occupational safety and health challenges and opportunities. He suggested including activities relating to the topic of mental health under output 2.5. His group was only able to agree to future research activities and data collection already listed in the proposed plan of action. He therefore questioned the development of policy tools to be developed under that output. Moreover, any data or tools collected and disseminated must also be validated by the Office.
- 380.** The Office should ensure that the focuses of the World Day for Safety and Health at Work under output 3.1.1 responded to constituents’ needs and priorities. Concerning output 3.2, he encouraged the ILO to promote a less bureaucratic approach to sessions at the triennial World Congress on Safety and Health at Work, which would benefit from wider participation. Under

output 4.2.4, he welcomed the support for practical guidance. However, the position of small and medium-sized enterprises in a supply chain should not be a criterion for their prioritization. He asked the Office to broaden the scope of activities under output 4.3, to refer to all capacity-building activities for constituents. Concerning output 5.1, the ILO should ensure respect for the principle of tripartism in all work on occupational safety and health, and avoid the creation of too many information streams. Under output 5.2.2, he recalled that the ILO's role was to support constituents in implementing occupational safety and health clauses in trade agreements, not to promote their inclusion in future agreements.

381. Lastly, he expressed concern that the outcomes of the strategy would not be known in time for the proposed evaluation to take place in 2031. His group supported the proposed global strategy and plan of action.
382. **Speaking on behalf of the Government group**, a Government representative of Namibia said that his group supported the draft decision. He endorsed the strategic pillars, and welcomed the Office's planned support for efforts to strengthen national occupational safety and health frameworks, tailored to constituents' unique needs. His group welcomed the increased focus on prevention and the recognition of mental health, psychosocial risks and emerging health and safety challenges. The strategic pillars and action areas acknowledged the multifaceted nature of workplace threats and the importance of prioritizing diverse workforce groups. He noted that research, disaggregated data collection, and analysis and knowledge-sharing would be used to inform decision-making and policy development. The emphasis on sustainable financing mechanisms would benefit many governments from the least developed and developing countries. He noted that the implementation of new occupational safety and health standards would be aligned with the 2030 Agenda for Sustainable Development and complement existing instruments, and that existing guidelines and codes of practice would be reviewed. He welcomed the planned efforts to strengthen links between occupational safety and health and other policy areas, especially crisis preparedness.
383. **Speaking on behalf of the Africa group**, a Government representative of Senegal said that the ILO should work to increase the number of ratifications of Conventions Nos 155 and 187, and thus improve safety and health at work at the global and national levels. Her group supported the proposed global strategy and its three strategic pillars and, also, the draft decision. The guiding principles enabled the Office to put occupational safety and health at the centre of all its actions and to ensure that it was included in all multilateral policies. Her group welcomed the proposed mobilization of resources and strengthened collaboration at all levels of the ILO, which would lead to coherent implementation, make better use of synergies and increase the impact of the proposed global strategy. However, she urged the Office to emphasize the need to monitor the implementation of the proposed global strategy and plan of action through the development of a results framework. The periodic evaluation of the proposed global strategy and plan of action was essential to ensure its success.
384. **Speaking on behalf of ASPAG**, a Government representative of Indonesia welcomed the proposed global strategy and plan of action and thanked the Office for holding comprehensive consultations on its development. A human-centred approach to occupational safety and health was needed more than ever and the proposed strategy would be crucial to action on traditional and emerging hazards. The three strategic pillars correctly recognized the complementary roles of governments, employers and workers in addressing occupational safety and health. He agreed that the establishment of recording and notification systems should be prioritized and acknowledged the importance of taking into account the specific needs and priorities expressed by constituents. The guiding principle of prevention throughout the life cycle was welcome and should start with training for young people. His

group supported the convening of a tripartite expert meeting on occupational safety and health in extreme weather events and looked forward to more details on that proposal. The increased focus on psychosocial risk and mental health, on which tripartite guidance would be sought in future, was welcome, as were the proposed activities on promotion and awareness-raising under action area 3.

385. His group would appreciate additional details on proposed actions 3.1.2 and 3.2.2, such as when events would take place and for whom, and how they would complement other high-level events. It would also welcome further information on the mechanism through which occupational safety and health objectives would be pursued through the Global Coalition for Social Justice. While the proposed activity under action area 4 was appreciated, global pandemic preparedness should be addressed as an element; in addition, regional and national characteristics, particularly economic levels, should be taken into account when determining targets and priorities. With respect to the estimated non-staff implementation cost, his group urged the Office to ensure that resources were deployed strategically and took into consideration non-selective, impartial and pro-development approaches.
386. The term “gender-transformative approach” used in subparagraph 9(c) of the document was not language adopted by the Governing Body or the International Labour Conference. He urged the Office to be cautious in the choice of language used in documents; since it could not be changed, the Office should use only language and terminology agreed by consensus by the Governing Body or the Conference. His group supported the proposed global strategy and the draft decision.
387. **Speaking on behalf of GRULAC**, a Government representative of Mexico noted that the proposed global strategy was essential to raising awareness of the importance of occupational safety and health and contributing to the establishment of the Global Coalition for Social Justice. She reiterated the support of GRULAC for a strong gender focus in the strategy’s guiding principles and for a human-centred approach, based on the gender-transformative agenda of the ILO Centenary Declaration and the 2021 global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.
388. Her group supported continuous improvement to national occupational safety and health frameworks with the interdependent components of policy, programme and system and the promotion of relevant Conventions and creation of a culture of prevention. National frameworks could include: a mechanism for data collection and analysis; strengthening of recording and reporting systems; research into hazard prevention and risk mitigation; mechanisms to monitor regulatory compliance; extension of occupational safety and health protection to all sectors and workers, including the informal sector; skills development on training and advice services, and strengthening of occupational health services; identification of priority sectors and groups of workers for targeted measures; and incorporation of criteria relating to gender, disability, age, migration status and the needs of workers in the public and private sectors. Under action areas 4 and 5, priority should be given to support for countries that were implementing or wished to implement a national occupational safety and health policy or programme that included development or strengthening of one or more of those elements. GRULAC supported the draft decision.
389. **Speaking on behalf of IMEC**, a Government representative of the United Kingdom thanked the Office for the comprehensive consultation process that had informed the proposed global strategy and plan of action. The emphasis on the links between occupational safety and health and other fundamental rights and protections was welcome, and the ratification campaign for the fundamental Conventions on occupational safety and health would be central to realizing

the proposed global strategy's objectives. The promotion of the right of freedom of association and to collective bargaining as an enabler for achieving the right to a safe and healthy working environment, under the second guiding principle, should be further mainstreamed in the plan of action; the brief reference made in 4.3.2. was insufficient. The inclusion of prevention as a guiding principle was appreciated. It would be helpful, however, to highlight the links between prevention and the human-centred approach, which would support the creation of effective workplace risk management practices.

- 390.** While the national approach set out under each pillar was welcome, the differing national circumstances and maturity levels of occupational safety and health systems should be acknowledged, as they would determine the type of action needed and the type and level of support provided by the Office. The focus on measures to address all aspects of workplace health and safety was also welcome, given changes in the world of work and the evolution of occupational safety and health risks, particularly in the area of mental health. Strengthened occupational health services would be important to maintaining a focus on work and mental health and measures to understand and address the associated risks.
- 391.** IMEC also welcomed the focus on psychosocial risks, including violence and harassment, and the impact of climate change and extreme weather on occupational safety and health. Since excessive heat was a significant occupational safety and health hazard, some outputs dedicated to addressing heat stress should be included under action area 2, and could include supporting Member States to identify measures to prevent occupational diseases and accidents related to heat strain. It would be helpful to have some examples of how the findings of the 2013 independent evaluation of the 2003 Global Strategy on Occupational Safety and Health and other relevant evaluations had influenced the proposed strategy.
- 392.** Information would be useful on how the Office would, if necessary, identify and focus on priority actions to take using available resources, including whether that would inform the mid-term review in 2027 and whether the Governing Body would be updated on decision-making prior to that point. She asked the Office to clarify whether it had already identified funding gaps not covered by the regular budget or existing technical assistance. Her group supported the draft decision.
- 393. Speaking on behalf of the EU and its Member States,** a Government representative of Spain said that the following countries aligned themselves with the statement: Albania, North Macedonia, Republic of Moldova, Montenegro, Serbia, Türkiye, Iceland and Norway. She aligned her statement with that delivered by IMEC. She thanked the Office for the proposed global strategy and plan of action and reiterated the willingness of the EU to follow up on the historic inclusion, in June 2022, of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. She endorsed the goal of the proposed global strategy and welcomed the fact that it took into consideration contemporary needs, the changing world of work and global challenges such as advances in digitalization and the threats posed by biological hazards and climate change. The emphasis on workers' mental health at work was also welcome. Workers in the informal economy faced heightened threats and the ILO's work should be guided by the normative framework of Conventions Nos 155 and 187.
- 394.** The EU and its Member States supported the four guiding principles and three strategic pillars of the proposed global strategy, particularly the role of social dialogue and inclusiveness, and the approach to achieving gender equality at work through a transformative agenda, in line with the ILO Centenary Declaration. The adaptations made to pillar 3 to encompass the realities of small and medium-sized enterprises were appreciated. The EU and its Member States also

supported the five action areas, in particular the proposed activities to promote Conventions Nos 155 and 187, as well as the ILO's efforts to be a global knowledge centre on occupational safety and health and to investigate new and innovative ways of sharing information.

- 395.** The gender-responsiveness of all outputs was crucial, as were actions to address forced labour and target workers in the informal economy. The Office's efforts to take into account the comments made during consultations were appreciated. The development of a results framework with targets and indicators for the proposed global strategy and the plan of action was noted with satisfaction. The proposed global strategy would contribute to efforts towards achieving Goals 3 and 8. She supported the draft decision.
- 396. A Government representative of Barbados** noted that particular attention needed to be paid to areas such as occupational safety and health for workers who worked from home, platform workers and informal workers. The proposed global strategy's focus on occupational safety and health in extreme weather events was welcome; small island developing States in the Caribbean were well aware of the need to protect workers during such events. Efforts to address psychosocial risk and mental health at work for all workers were welcome and should pay particular attention to young workers, who were not always as resilient as assumed. The mainstreaming of occupational safety and health in relevant policies and programmes was also important. His Government supported the draft decision.
- 397. A Government representative of Indonesia** said that his Government aligned with the vision and principles set out in the proposed global strategy and recognized the importance of addressing both traditional and emerging workplace hazards. His Government would support a global campaign to encourage the ratification and implementation of international labour standards under action area 1. Under action area 2, his Government stood ready to share information and experience, particularly on regional and sector-specific differences, and to contribute to the proposed global network to enhance inter-institutional knowledge transfer. In paragraph 9(c) of GB.349/INS/8 on the guiding principles of the strategy, however, the phrase "A human-centred, inclusive and gender-transformative approach" should be removed. The phrase "gender-transformative approach" was not agreed language, it was not consistent with the language used in the documents referred to in the related footnote, and it could not be accepted by his Government on the grounds of traditional values, social norms and potential conflict with religious beliefs.
- 398.** His Government would support the action proposed under action area 3 and, under action area 4, was committed to providing the support and resources required to enable the ratification and implementation of international labour standards on occupational safety and health. The multilateral cooperation highlighted in action area 5 was essential, and his Government would foster collaboration and participate in initiatives for global workplace safety. His Government endorsed the proposed global strategy.
- 399. A Government representative of Pakistan** outlined his Government's initiatives on occupational safety and health, including action to assess adherence to the relevant ILO Conventions, and expressed support for the activity set out under action area 4 and for the draft decision.
- 400. A Government representative of Namibia** thanked the Office for taking into account the guidance provided during informal consultations on the proposed global strategy. The areas identified as warranting further tripartite guidance under action area 1, including psychosocial risk and mental health, were of particular interest to her Government, which was developing a code of practice on employee wellness. Her Government supported the draft decision.

- 401. A Government representative of the Republic of Korea** described the measures taken in her country on occupational safety and health, which were in line with the proposed global strategy and plan of action. Strengthened collaboration among Member States would be crucial to collectively addressing occupational safety and health challenges. The ILO should play a central role in facilitating discussion among Member States and strengthening international cooperation through research and sharing relevant data. An additional platform for the discussion of budget allocations should be established to enable the coordination of priorities and the procurement of additional resources. Her Government supported the draft decision.
- 402. A Government representative of Colombia** said that research based on sound data gathered through a dedicated data collection and analysis mechanism would be key to creating and improving resilience in relation to occupational safety and health. The support of the ILO in that regard would be fundamental. Her Government supported the draft decision.
- 403. A Government representative of Bangladesh** said that it would have been preferable to prioritize bilateral and multilateral partnerships in strategic pillar 2. Under action area 1, wider ratification and effective implementation of the existing normative framework should precede the development of new standards. Accordingly, his Government did not support the development of new standards or moving to other fields of standard-setting in the near future. The mechanisms for sharing and exchanging information listed under action area 2 would require partnerships with global financial organizations, and multinational enterprises should be included in the target audience for promotion efforts under action area 3. Action area 4 should include capacity-building for enterprises, including in the form of policy guidance. It was important to develop multilateral cooperation alongside business-to-business cooperation. A significant portion of the budget allocated to the implementation of the plan of action should be designated to development cooperation and technical assistance, perhaps including the promotion of bilateral cooperation. He supported the draft decision.
- 404. A Government representative of India** noted that the rapidly growing gig and platform economies posed a challenge in terms of occupational safety and health and therefore invited the attention of the ILO, which should make special provisions for gig and platform workers in the proposed global strategy with a view to developing effective preventative measures. Regional discussions could boost the proposed global network of collaborating institutions, while the Global Coalition for Social Justice was a promising vehicle for greater multilateral collaboration for more effective implementation of the proposed global strategy. Low- and middle-income countries would require support in gathering comprehensive data on workplace accidents and occupational diseases and rendering those data readily accessible to other Member States and the ILO. It was also essential to provide guidance tailored to specific risks and sectors.
- 405. The Worker spokesperson** expressed discomfort with the term “shared responsibility” as used by the Employer spokesperson; such responsibility did not exist in the field of occupational safety and health. There could be no preconditions for a fundamental right such as occupational safety and health. Moreover, it was important that the proposed global strategy considered public sector employers. Mental health should not be qualified as “good” or “bad” or treated differently to psychosocial risk. She expected the proposed meeting of experts tasked with updating the ILO’s list of occupational diseases to be preceded by consultations. Supply chains, in which working conditions varied, should be considered in the development of guidance on the Guidelines on occupational safety and health management systems.

- 406. The Employer spokesperson** explained that he had used the phrase “shared responsibility” in reference to a culture of prevention wherein all ILO constituents had specific rights, responsibilities and duties. His comments on the public and private sectors had related to the need for the proposed global strategy to address both sectors.
- 407. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster), responding to comments on the mismatch between the proposed global strategy’s ambitions and the resources available to implement it, noted that the Director-General had created two new positions to help address growing demand in the field of occupational safety and health. Around 75 per cent of the non-staff financial resources required to implement the plan of action was available under current budgetary arrangements, and the shortfall could be covered by extrabudgetary resources, to which Governing Body members could contribute; the re-prioritization of activities, in consultation with constituents; and the enhanced use of technology for the dissemination of information and for training.
- 408.** The phrase “transformative agenda for achieving gender equality” had been used in a number of Conference resolutions, including those on Centenary Declaration for the Future of Work and Global Call to Action, and in several strategies recently adopted by the Governing Body, such as that on supply chains. In the context of the strategy on occupational safety and health, a “transformative agenda for achieving gender equality” would involve, for example, not only accommodating the different needs and circumstances of men and women at work, but also addressing the structural factors that prevented women from benefiting from equality of treatment and opportunities in the workplace on a par with men, ensuring that protection was effective for women and including them in decision-making on occupational safety and health programmes and policies.
- 409. A representative of the Director-General** (Director, Governance and Tripartism Department) added that the Office would provide information on the implementation and follow-up of the proposed global strategy in 2025. The proposed global strategy would guide the ILO’s work in supporting constituents in promoting, respecting and realizing the fundamental principles and rights at work. The references to inequalities contained in the proposed global strategy were linked to the principle of a human-centred, inclusive approach that would guide implementation without drawing focus away from occupational safety and health. The proposed global strategy would take a preventative approach, making use of technology. The cooperation between external institutions and networks envisaged under action area 2 was not intended to lead to the formulation of policy recommendations.
- 410.** The aim of action area 5 was to improve multilateral cooperation by leveraging the ILO’s unique tripartite structure, while output 5.2 aimed in part to mainstream occupational safety and health in the development agenda. The Office would engage with constituents on the prioritization of technical support for Member States that had implemented, or wished to implement, national occupational safety and health policies, bearing in mind different national circumstances; the proposed global strategy could be adapted to meet varying needs. Past learnings in relation to, for example, improving coordination between outcomes and programmes, were taken into account. The events and webinars to be organized under output 3.2.2 at the global and regional levels would take into account regional and national characteristics and would likely target groups including the tripartite constituents and occupational safety and health professionals. The implementation of the proposed global strategy and plan of action, as well as the ILO’s multilateral leadership on occupational safety and health and cooperation with international agencies and platforms, would contribute to the

goals of the Global Coalition for Social Justice, which had included occupational safety and health among its priorities.

- 411. Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran expressed gratitude to the Office for its clarification of the term “gender-transformative” and requested that it be reflected in the proceedings of this sitting of the Governing Body.

Decision

412. The Governing Body:

- (a) **endorsed the proposed Global Strategy on Occupational Safety and Health and the plan of action for the period 2024–30, as set out in document GB.349/INS/8;**
- (b) **requested the Director-General to take into account its guidance in implementing the strategy, including the corresponding financial implications, while seeking to meet additional financing requirements to the extent possible by reprioritizing within existing budgets and/or through renewed resource mobilization efforts.**

(GB.349/INS/8, paragraph 53)

9. Proposals for the format of future ILO regional meetings (GB.349/INS/9(Rev.1))

- 413.** The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office:
- 414.** The Employers’ group proposed amending the beginning of subparagraph 19(a) to read: “adopted a hybrid of scenarios A and B” and adding a new subparagraph (b) to read: “requested the Office to dedicate sufficient time (during the regional meeting) where ILO constituents can exchange, engage, build connections and discuss priorities and strategies with pertinent international organizations from the multilateral system, including with UN resident coordinators, international financial institutions and other international agencies”.
- 415.** The Workers’ group proposed amending the beginning of subparagraph 19(a) to read: “adopted scenario A” and introducing a new subparagraph (b) to read: “requested the Office to explore options to maximize the regional follow-up mechanism of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the context of the new format of future ILO regional meetings”.
- 416. The Employer spokesperson** emphasized the importance for her group of maintaining the ILO regional meetings, which were for some constituencies the only way of meeting outside the International Labour Conference. While reducing costs was important, it was crucial to ensure that the formal conclusions adopted during the meetings were implemented. Those conclusions provided the regional offices with a mandate and represented a political commitment by constituents to work together to achieve common goals. Any financial barriers to the completion by the regional offices of their work in line with the formal conclusions should be considered well in advance, rather than midway through the implementation phase. As scenario C proposed to dispense with formal conclusions, the Employers’ group could not support it.
- 417.** Scenarios A and B each contained useful elements. The group believed that four days, as provided for in scenario A, was the ideal length in order to provide sufficient time to reach consensus, particularly for the tripartite drafting committee. At the same time, the group would prefer to reduce the length of the plenary discussion of the Director-General’s Report to

half a day, as proposed in scenario B, as the negotiations on what was needed in the region took place in the drafting committee. One-and-a-half days was preferable to one day for the thematic panels or workshops. Those panels must be selected carefully to ensure the needs of the tripartite constituents were met in a balanced manner. The content of the remaining two days of the four-day meeting should be determined by each individual region. The Credentials Committee should be maintained to ensure the participation of the social partners and input from accredited delegates to the formal conclusions.

418. Through its proposed amendment, the Employers' group sought to have sufficient time dedicated to fostering connections with other international organizations and agencies, as labour and social issues were naturally cross-cutting and policies should not be developed in isolation. It would also increase both the visibility of the ILO and the impact of its regional meetings. As to the Workers' group's proposed amendment of adding a subparagraph on the MNE Declaration, she noted that the Office normally conducted a survey on the MNE Declaration and other items to feed into the report submitted to the regional meeting, which enabled the regions to determine the agenda based on their priorities. The group could nevertheless support the proposed amendment.
419. **The Worker spokesperson** emphasized the importance that the Workers' group attached to the regional meetings. Although that cost-effectiveness was a worthy goal, the financial savings to be made in the three scenarios presented by the Office were relatively modest. Her group therefore wished to focus on how to make better use of the regional meetings and maximize their outcomes.
420. Shortening the Director-General's Report could be considered, but key information about ILO regional activities and resource allocation must continue to be readily available to constituents and the parties sponsoring the meeting. The plenary discussion was necessary to form the basis for the conclusions but could be shortened to one-and-a-half days. The requirement for tripartite physical attendance was welcome, as it was key for conducive dialogue and consensus-based conclusions. The group continued to object to allowing delegates and advisers to participate remotely, which, experience had shown, negatively affected the tripartite balance in delegations. Moreover, enabling hybrid participation represented additional costs rather than savings. The group was not opposed to live-streaming regional meetings for remote observers and to allow for remote report-writers. In view of those preferences, scenario A seemed to be most appropriate. In addition, the group would prefer that the opening and closing sittings be reduced to two-and-a-half hours, that the drafting committee be maintained but be allowed to decide on the length of its conclusions, and that the Credentials Committee be maintained with on-site support.
421. The group did not support the proposal under scenarios B and C of reducing the meeting length to three days, as valuable meeting time would be lost with no major benefit, but welcomed the increased time for thematic working groups, panels and round tables. The proposed replacement of the Director-General's Report with a short Office report under scenario C might lead to the loss of the discussion of regional priorities and of the adoption of conclusions, which were both crucial to ensuring regional ownership and follow-up. In addition, the Credentials Committee was critical to the tripartite nature of regional meetings and must not be abolished. The group therefore did not support scenario C.
422. The Workers' group welcomed the proposals to include on the agenda of regional meetings a high-level segment and subregional round tables. She would welcome broader participation of the UN Development Coordination Office in regional meetings so that it could explain how the UN development system works at the national level and guide tripartite constituents on

engaging with country offices, develop more effective social partner engagement, promote synergies between the work of the ILO and the DWCPs, and provide comments on how UN resident coordinators might enhance the take-up of ILO regional meetings and promote policy coherence for development. The group agreed that the Office should ensure that the regional meeting conclusions were reflected in regional initiatives of the UN system and the UN Sustainable Development Cooperation Framework.

423. The group insisted that the Office should strengthen regional follow-up to the MNE Declaration through regional reports and thematic discussions, as required by the MNE Declaration and decided by the Governing Body. While hosting regional meetings in cities that hosted ILO regional offices could save money, it could also burden the relevant host countries and prevent other countries from hosting regional meetings.
424. The Workers' group had a strong preference for scenario A and agreed with the proposal to hold a five-year trial for the chosen scenario followed by an assessment. It could support the amendment proposed by the Employers' group.
425. **Speaking on behalf of the Government group**, a Government representative of Namibia reiterated the Government group's unanimous support for the organization of regional meetings to address the main regional challenges linked to the world of work. Particular attention must be paid to maintaining the high quality of the Director-General's Report and thematic debates. Meetings must continue to produce significant results contributing to policy development and targeted action on the ground. Verification of credentials was essential to ensure that the results and their implementation would be endorsed by the tripartite constituents. Furthermore, the regions should be able to choose the country in which to host their meetings.
426. The group would welcome more information about the extent to which constituents in each region would be able to adjust the chosen scenario. He asked how the estimated savings of US\$100,000 per meeting and the estimate contribution of the host countries had been calculated, and whether preparations for regional meetings could be systematically allocated to the nearest regional office to avoid costly long-distance travel for staff. Depending on the answers to those two questions, his group was broadly in favour of piloting scenario B for the following five years, but saw the benefit of some elements in scenario C. It supported subparagraphs (b), (c) and (d) of the draft decision as proposed by the Office.
427. **Speaking on behalf of ASPAG**, a Government representative of Indonesia strongly affirmed the vital importance of regional meetings as a mechanism for regional groups to influence decisions and implement the ILO's mandate at the regional level. Improving efficiency in time and costs was important, but not more so than the quality or significance of the regional meetings. It was key to ensure that: adequate time was allocated for thematic discussions; the ceremonial aspects of the meetings were integrated seamlessly; the Credentials Committee and other institutional mechanisms legitimizing the meetings' decisions were retained, albeit streamlined; some administrative tasks were conducted remotely and reports disseminated online; and all decisions taken during the meetings were endorsed by all accredited delegates. The drafting committee might be dispensed with, as it tended to be time-consuming and run late into the evening. If retained, sittings of the drafting committee should be limited to the daytime. The Office's support should be tailored to the specific requirements of each region. His group supported the implementation of scenario B or C for a trial period, provided that certain adjustments to accommodate the aforementioned priorities could be made.
428. **Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that the candidate countries Albania, North Macedonia, Republic of Moldova,

Montenegro, Serbia and Ukraine, the potential candidate country Georgia, the EFTA countries Iceland and Norway, members of the European Economic Area aligned themselves with her statement. Future ILO regional meetings must allow sufficient space for in-depth discussions in thematic panels and workshops to provide opportunities for tripartite exchanges on issues of regional import. She supported reducing meetings to three days, which would cut costs and save time without compromising on substance, and shortening the opening and closing sittings and the time allocated for general statements. A shortened Report of the Director-General that focused on topics relevant to the region, supplemented by thematic reports, would streamline and enrich discussions. There should be flexibility for a region to shorten the ceremonial part of the meeting if constituents chose to do so. She supported allowing optional remote participation while maintaining a minimum in-person presence of a full tripartite delegation, and noted the significant cost savings for both the Office and Member States. The Credentials Committee must be maintained, as it performed an important oversight function over the composition of delegations and each Member State's coverage of its delegation's travel and subsistence expenses. The Office could support the Credentials Committee remotely. The EU and its Member States supported scenario B, provided there was the flexibility for regions to shorten opening and closing sittings to a maximum of one hour each to allow more time for thematic panels.

- 429.** As to the draft decision, the EU and its Member States welcomed the intention to ensure that the outcomes of regional meetings were appropriately reflected in the DWCPs and country programme objectives, and the proposal to conduct a five-year trial and subsequent assessment of the chosen scenario. They did not support any of the proposed amendments to subparagraph (a), but did support the Workers' group's proposed new subparagraph (b). They considered the Employers' proposed new subparagraph to be unnecessary and overly prescriptive, as such aspects would fall under the flexibility referred to in paragraph 13 of the Office document.
- 430. Speaking on behalf of ASEAN,** a Government representative of Indonesia highlighted the crucial role of regional meetings in strengthening social dialogue and tripartism. It was essential to maximize the opportunities for the tripartite constituents at the meetings for networking and knowledge exchange, while efficiently managing time and costs. ASEAN attached great importance to the production of an outcome document; the Singapore Statement adopted at the Asia and the Pacific Regional Meeting in December 2022 provided a framework for national policies and reflected the aspirations and needs of constituents, and would in turn inform the wider agenda of the ILO. Streamlining the production of outcome documents without compromising on quality and integrity required a collective commitment to consensus-building and open communication. Based on those considerations, ASEAN favoured scenario B or C for the format of future regional meetings.
- 431. A Government representative of Japan** said that the potential cost savings under scenario A were too limited, given the aim of reallocating resources from regional meetings to enhance field operations. His Government expressed great satisfaction regarding the content of the Asia and the Pacific Regional Meeting in December 2022 and the Singapore Statement. However, to produce the outcome document the drafting committee had sat until midnight almost every day. It would be better to abolish the drafting committee in favour of a succinct report prepared by the Office, or at least take steps to limit the work of the committee to reasonable hours. His Government therefore favoured option B, with some elements of option C.
- 432. A Government representative of Indonesia** reiterated the need to maximize cost-effectiveness without compromising the quality and essence of regional meetings and agreed that the meetings should directly impact the DWCPs and country programme objectives of

Member States, thereby contributing to the overall mission of the ILO. A flexible and adaptable approach was therefore needed to allow regions to tailor meetings to their specific characteristics and priorities. His Government supported reforms that would benefit all regions and stakeholders in the pursuit of the ILO's objectives.

- 433. A Government representative of Pakistan** stressed the important role of regional meetings in translating strategies from the International Labour Conference and the Governing Body, promoting knowledge-sharing and addressing regional policy and technical matters. His Government favoured scenario B, which represented a balanced solution and was aligned with the goals of improving cost-efficiency and productivity, addressing regional priorities and implementing action plans. The shorter meeting duration, focused discussions and remote report preparation proposed under scenario B made it a practical choice for achieving the objectives of the ILO regional meetings while optimizing resources.
- 434. A Government representative of China** said that regional meetings were vital for constituents to jointly address regional challenges with the aim of achieving social justice. The Reports of the Director-General had been informative, practical and professional, and clarified the key points for discussions; they should continue to serve as the basis for regional meetings, but could be streamlined to reflect the current status and trends of regional labour markets, with a greater focus on regional characteristics and practical solutions to promote decent work in the region. As regional meetings were held every five years, sufficient time should be allowed for the tripartite constituents to fully express their views and reach consensus, while the meeting conclusions should be action-oriented, respond to the concerns of tripartite constituents and respect country realities, and be more exhaustive and visible.
- 435. Speaking on behalf of the Africa group**, a Government representative of Morocco expressed strong support for scenario B. His group could be flexible with regard to the amendment proposed by the Workers' group. It could also accept the additional subparagraph proposed by the Employers' group, but proposed a subamendment to end it after "pertinent international organizations", as the details of the multilateral system and UN resident coordinators were unnecessary.
- 436. Speaking on behalf of GRULAC**, a Government representative of Mexico said that the amendment proposed by the Employers' group addressed a central aspect of regional meetings, namely the opportunity they provided for exchanges both inside and outside the official programme, including through bilateral meetings and other side events. Her group was therefore open to that amendment and would also support the consensus on the associated subamendment proposed by the Africa group. Regarding the amendment proposed by the Workers' group, her group had initially viewed it as overly prescriptive, as it concerned the substance, rather than the format, of regional meetings. However, having heard from the representatives of other regions, GRULAC could be flexible, on the understanding that the proposed amendment was aligned with previous agreements on the follow-up mechanism for the MNE Declaration.
- 437. The Employer spokesperson** said that she could accept the subamendment proposed by the Africa group to her group's amendment. In addition, her group wished to retain the drafting committee, as there was a strong general preference for retaining formal meeting conclusions, and the drafting committee was key to ensuring their ownership by the tripartite constituents. However, measures should be taken to make sure the committee could carry out its work efficiently, within reasonable working hours.
- 438. The Worker spokesperson** welcomed the support expressed for her group's proposed amendment. She noted that there had also been general support for the Employers' group's

proposal, except from the EU and its Member States, and asked whether the shorter version, as subamended by the Africa group, would be more acceptable. The Workers' group still favoured four-day regional meetings, but could accept a three-day format if that achieved consensus. It agreed with the Employers' group that it was vital to maintain the drafting committee, which was crucial to prioritize needs, clarify views and ensure that regional meetings had a meaningful outcome.

- 439. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that, having heard the views of others, they could be flexible with regard to the amendments and subamendment.
- 440. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) thanked speakers for their input, which had confirmed the importance they attached to the regional meetings. Although there was some variation in the preferences expressed by Governing Body members, including for a combination of various elements, scenario B appeared to have the most support among Governments, whereas the social partners favoured scenario A, with some elements of scenario B. He noted some flexibility on the meeting duration, which was the main difference between the two scenarios. Adopting scenario B would maximize the benefits of the meetings and make them more flexible, while significantly reducing costs. Responding to the Government group's questions, he explained that constituents in different regions would be able to configure the regional meeting according to their own needs, while adhering to the same general format, as outlined in paragraph 13 of the document. Concerning the figure of US\$99,000 in potential annual savings under scenario A provided in the table, that had been calculated based on the reduced staff time needed to prepare a shorter Report of the Director-General, fewer staff needed to prepare shorter draft conclusions, and reduced travel costs with more staff working remotely.
- 441. The Director-General** thanked the Governing Body members for their constructive input during the informal consultations held during the preparation of the document. The next regional meeting to be held would be in Europe and the Office would keep the Governing Body informed of preparations.

Decision

442. The Governing Body:

- (a) **adopted scenario B proposed in document GB.349/INS/9(Rev.1) for the format of future ILO regional meetings, taking into account modifications resulting from the discussion, on a trial basis for a period of five years (2024–28);**
- (b) **requested the Office to dedicate sufficient time (during the regional meeting) where ILO constituents may exchange views, engage, build connections and discuss priorities and strategies with pertinent international organizations;**
- (c) **requested the Office to explore options to maximize the regional follow-up mechanism of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the context of the new format of future ILO regional meetings;**
- (d) **requested the Office to ensure that the outcomes of regional meetings were appropriately reflected in the Decent Work Country Programmes and country programme objectives of Member States in the respective region;**

- (e) requested the Office to prepare for its consideration at its 350th Session (March 2024) a document indicating proposed arrangements for the regional meetings to be held during the trial period, including proposed suspensions, as may be necessary;
- (f) requested the Office to conduct an internal evaluation of the new regional meeting format after a full cycle of regional meetings, for discussion by the Governing Body in March or November 2028.

(GB.349/INS/9(Rev.1), paragraph 19, as amended by the Governing Body)

10. Annual report on the implementation of the ILO technical cooperation programme “Strengthening the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards” (GB.349/INS/10(Rev.1))

- 443. A Government representative of Guatemala** (Vice Minister of Labour Administration) said that her Government had been complying with international standards, notably the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and with all the key indicators of the road map adopted in 2013. In order to do so, it had drawn on its own funds, in addition to those allocated by the Office. Her Government had also undertaken a range of actions to address the concerns raised by the worker and employer members of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS).
- 444.** Turning to the priority actions identified in September 2022 by the joint mission to Guatemala by the ILO, the IOE and the International Trade Union Confederation (ITUC), she started by noting that investigations were being carried out into all deaths of trade union leaders and members, with 73 per cent of completed cases resulting in convictions. More generally, cases of violence reported by trade union leaders and members were promptly investigated by the Public Prosecutor’s Office and referred to the judiciary for sanction and redress. Between 2015 and 2023, 481 perimeter protection measures and 19 personal protection measures had been put in place.
- 445.** In terms of legislative reform to bring domestic legislation into conformity with the provisions of Conventions Nos 87 and 98, she said that Bill 6162 on that subject had been presented to the Congress of the Republic and was awaiting discussion. The Government was waiting for the Office to finalize the requested technical assistance to address the legislative issues related to the requirements for forming sectoral trade unions and the right to strike. On protection against anti-union dismissals and the enforcement of reinstatement orders, she said that 2,248 reinstatements had taken place between 2015 and 2021. In addition, a multi-judge court had been established to enforce court-ordered reinstatements; it had heard 222 cases in six months and a second court of that type was due to be set up shortly.
- 446.** The subcommittee on mediation and dispute settlement had not achieved the expected results. The General Labour Inspectorate had, however, set up 80 dialogue forums from 2021 to 2022, with 19 cases resolved satisfactorily, 12 of which were in the municipal sector. Concerning the awareness-raising campaign on freedom of association, funds from the Ministry of Labour and Social Welfare had been used to run a multi-channel campaign reaching more than 66,000 people. Progress had also been made with trade union registration:

2,579 trade unions had registered up to 2023, with a roughly even split between the public, private and independent sectors. Lastly, on the approval of collective agreements, she said that 140 collective agreements on working conditions had been approved by the Ministry of Labour and Social Welfare between 2015 and 2023.

- 447.** She thanked the EU for its financial and technical support and expressed the hope that it would extend that support further to facilitate the continuation of social dialogue and strengthen the role of the social partners. She likewise hoped that the constituents would redouble their efforts to ensure the effective implementation of the road map. In closing, she reiterated her Government's commitment to pursuing social dialogue and achieving results in line with the road map by strengthening the interinstitutional cooperation capacities of the relevant government entities.
- 448. The Worker spokesperson** said that the Government of Guatemala had failed to complete the priority actions defined in September 2022 and had, moreover, failed to make progress on the longer list of commitments in the road map adopted in 2013. Although the Office and some members of the Government had made efforts to implement the technical cooperation programme, the programme had been held back by the lack of political will from the Government as a whole. Work to strengthen the legislative basis of the CNTRLLS had stalled, despite assurances that the bill in question was nearing approval, while other legal reforms agreed to by the CNTRLLS had likewise failed to materialize. The Government had also declined to draft legislation to address other outstanding legislative issues dating back to 2004, notably in relation to sectoral unions and sectoral collective bargaining, despite having made a commitment to do so in 2022.
- 449.** There continued to be limited enforcement of reinstatement orders in Guatemala, as demonstrated by several recent cases in both the public and private sectors. The Workers' group had noted the technical diagnostic study by the Office on the mechanisms for enforcing reinstatement orders, and the appointment of judges to enforce orders, but had not received any information on how many workers had been reinstated as a result, or whether any employers had been held accountable. Appointing judges at the end of the process meant that cases were heard long after dismissals had taken place, rendering any subsequent action meaningless in practice. The Government should therefore rapidly implement the measures recommended following the diagnostic study.
- 450.** The Government had also failed to fully meet its commitments with regard to anti-union violence and impunity. Although training had been carried out and some meetings had taken place on the status of investigations into homicides and other acts of anti-union violence, no meetings appeared to have taken place on the protection measures accorded to trade unionists and other actions to prevent and mitigate acts of anti-union violence. In addition, the revision of Ministerial Agreement 288-2022 had not been completed by the end of 2022, as agreed. Much more needed to be done to tackle anti-union violence. Two trade unionists had been murdered in recent months, adding to the toll of over 110 union leaders and members killed since 2007; the material and intellectual authors of such crimes continued to go unpunished. Other countries in the region with similar or greater levels of criminal violence did not report a comparable number of murders targeting union officials and other human rights defenders. Trade unions reported that they continued to face excessive and arbitrary obstacles to registration, despite the work to improve the electronic tool used for that purpose. Difficulties also persisted in the registration of collective agreements, indicating that further efforts were required on both measures. The Workers' group would like to have more details on the awareness-raising campaign on freedom of association.

- 451.** More broadly, the Workers' group was deeply concerned about the fragile state of the rule of law in Guatemala; it had been widely reported that corrupt political, military and economic elites had interfered in the election process, with the President-elect barred from taking office. The group joined the international community in urging respect for democracy and the integrity of the electoral process. Despite the substantial financial and technical assistance provided to Guatemala through the technical cooperation programme over many years, there had been a notable lack of progress on the issues raised. The Workers' group had therefore filed a new complaint against the Government of Guatemala under article 26 of the ILO Constitution alleging non-observance of Conventions Nos 87 and 98, which was presented in document GB.349/INS/19/2.
- 452. The Employer spokesperson** acknowledged the efforts made by the outgoing Government of Guatemala and expressed confidence in the capacity of the new administration to meet the commitments made thus far. He noted that the CNTRLLS had managed to maintain tripartite social dialogue despite the difficult political context. In relation to the priority actions, the Government had taken positive steps with regard to streamlining the trade union registration system, improving the investigation of cases of anti-union violence and enforcing reinstatement orders. The results of the technical diagnostic study by the Office on that last issue should increase the effectiveness of the reinstatement process. With the proactive involvement of all its members in the objective discussion of the outstanding issues, the CNTRLLS would be able to continue making progress on the road map.
- 453.** Noting the difficulties encountered in mobilizing funds for implementation of the programme, he stressed the importance of the second phase of the programme to support Guatemala in meeting the commitments in the road map, and thanked the EU for the financial support offered in that regard. The workers and employers of Guatemala agreed on various aspects of the road map, and certainly on the fact that it should be fully implemented, with the support of the Office and other partners. Indeed, there was a general consensus that Guatemala still required assistance. In conclusion, he reaffirmed his group's commitment to continue working on the outstanding issues and reiterated the need for all the stakeholders to continue their work with integrity and good faith. The Employers' group supported the draft decision.
- 454. Speaking on behalf of a significant majority of Latin American and Caribbean countries,** a Government representative of Mexico acknowledged the commitment demonstrated by the Government of Guatemala to strengthen negotiation and agreement processes through the CNTRLLS and its subcommittees by prioritizing social dialogue and respect for international labour standards. Indeed, the Government had persisted in its efforts to implement the programme despite the limitations imposed by the COVID-19 pandemic and a lack of financial resources, while the Office had provided valuable technical support. She thanked the EU for its financial support, which would make it possible to meet the needs identified by constituents and enable the effective application of international labour standards. Her group supported the draft decision.
- 455. Speaking on behalf of the EU and its Member States,** a Government representative of Spain said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Iceland and Norway aligned themselves with her statement. Acknowledging the ongoing work of the CNTRLLS despite the political volatility in the country, she welcomed its further institutionalization, which was essential to ensure continued tripartite social dialogue, which in turn was crucial for the application of fundamental principles and rights at work. All parties remained accountable for upholding those rights.

456. Although progress had been made on the enhancement of judicial capacities to combat anti-union violence, streamline trade union registration and enforce reinstatement orders, it was concerning that no such advances had been made on the legislative side. She therefore urged the Government to adopt the legislative reforms that had been submitted by tripartite consensus to the Congress of the Republic. Steps should also be taken to strengthen mechanisms to prevent, protect against and respond to threats and attacks against trade union officials and activists; the persistence of anti-union violence, including the recently reported murder of a trade unionist, was deeply alarming. In addition, she recalled the Government of Guatemala's commitment to effectively implement in its laws and practice the fundamental ILO Conventions under the Trade and Sustainable Development Title of the EU-Central America Association Agreement.
457. In closing, she reaffirmed the EU's ongoing commitment to cooperating with Guatemala on the fulfilment of its obligations, including through the provision of additional funding in support of a second phase of the programme to allow work on the road map to continue beyond January 2024. At the same time, she acknowledged that a new complaint had been filed against the Government of Guatemala under article 26 of the ILO Constitution.
458. **A Government representative of the United States** welcomed the Office's efforts to support meetings of the CNTRLLS and its subcommittees, and encouraged it to continue strengthening that forum in the interests of achieving meaningful agreements between the members. She further noted the Office's contribution to building the capacity of the Public Prosecutor's Office on combating anti-union violence and welcomed the EU's commitment to support Guatemala in meeting the commitments in the road map from 2024 in a second phase of the programme. Her Government would appreciate additional reflections from the Office on the challenges and lessons learned during the first phase.
459. Despite those efforts, there had been a concerning lack of meaningful progress in the five years since the closing of the article 26 complaint. The recent murder of Doris Lisseth Aldana Calderón was deeply saddening and should be thoroughly investigated by the authorities, including in terms of possible links to union activities, to ensure that the perpetrators were held to account. The Government of Guatemala must also address serious shortcomings in its protection programmes for union leaders at risk.
460. Continued inefficiencies in the labour court system and the failure to enforce court orders discouraged workers from pursuing reinstatement or addressing anti-union discrimination. It was also regrettable that the bills aimed at strengthening the CNTRLLS and introducing various labour and criminal law reforms, which had been agreed on a tripartite basis, had not yet been adopted. The Government should work with the social partners and the ILO to take all necessary measures to address outstanding issues and recommendations, focusing on the priority areas identified in September 2022. The United States remained committed to working with the Government of Guatemala, having appreciated its past participation in events such as the information exchange on inspection procedures. It supported the draft decision.
461. **A Government representative of Guatemala** (Vice Minister of Labour Administration) took note of the observations, which would be followed up during the period of governmental transition with a view to further consolidating compliance with international standards. Investigations were already under way into the recent deaths of trade union leaders and members. With particular reference to the case of Doris Lisseth Aldana Calderón, she said that the Public Prosecutor's Office had carried out 24 investigations, demonstrating her Government's commitment to responding to those terrible events. Plans had been made for the handover to the incoming Government; in the meantime, the current administration would

continue to work with the ILO, the IOE and the ITUC, and national constituents to fully implement the road map.

Decision

462. The Governing Body took note of the information provided by the Office in document GB.349/INS/10(Rev.1).

(GB.349/INS/10(Rev.1), paragraph 16)

11. Report concerning developments on the full implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144 (GB.349/INS/11(Rev.1))

463. A Government representative of the Bolivarian Republic of Venezuela said that the fourth session of the Social Dialogue Forum had been rescheduled owing to factors outside the Government's control. Social dialogue was the mechanism best suited to achieving harmonious and lasting relationships with Venezuelan workers' and employers' organizations and to implementing the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

464. With regard to Convention No. 26, a technical body had been established in accordance with the action plan resulting from the Social Dialogue Forum of February 2023 to develop a method for fixing the minimum wage. Between February and August 2023, the body had held 13 meetings, which had been attended by representatives of the Office, to develop a method based on consensus among all social partners. On 19 October 2023, a meeting had been held with the relevant Venezuelan workers' and employers' organizations to explain the proposed method. The main issue on which a decision had been made was the selection of workers' and employers' spokespersons, whose organizations would draw up the necessary agreements and share the information to accompany the method. The Government had provided the organizations with the final draft and concept note but had not received comments needed to move forward with the method.

465. Turning to Convention No. 87, she said that the Government had held meetings with workers' and employers' organizations and the public institutions involved. Follow-up had been carried out and each of the cases raised by the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) had been reviewed with the National Land Institute. Fruitful meetings had been held with the FEDECAMARAS representatives to determine the number of land-related cases that could fall within the scope of Convention No. 87, which did not exceed ten.

466. Regarding the arrested and convicted trade union members, the ILO had been sent the judgment of 17 August 2023, handed down by a criminal court, related to Mr Emilio Negrín and Mr Gabriel Blanco, among others, who had been convicted for offences of conspiracy under article 132 of the Venezuelan Criminal Code and association under article 37 of the Basic Act against organized crime and funding of terrorism. An appeal had been lodged with the High Court, which would render a judgment while respecting due process and the legitimate right to defence. The defendants had not been convicted on the grounds of any trade union or

other activity within the scope of Convention No. 87, but for having committed offences under Venezuelan law. As the Governing Body had been informed on several occasions, Mr Rodney Álvarez had been paid for services rendered. If he believed he was entitled to further compensation, he should bring a case before the competent courts; compensation was not awarded automatically. The Ministry of Labour was willing to hear his claims and guide him in accordance with the Constitution and the law. Information would be obtained on the remaining cases of alleged arrests of trade union leaders, while respecting the separation of powers, due process and the legitimate right to defence. Under Convention No. 87, the Government had a duty to protect freedom of association and the right to organize, and workers and employers were required to obey the law.

- 467. With regard to Convention No. 144, progress had been made in meeting the commitments under the action plan developed at the Social Dialogue Forum in February 2023 and the reports under articles 19 and 22 of the ILO Constitution had been completed. Formal consultations had been held with the social partners, with technical assistance from the ILO. The Government had accepted the appointment of the ILO expert on social dialogue, Mr Christian Ramos, who would assist with the implementation of the action plan in preparation for the fourth session of the Social Dialogue Forum in February 2024.
- 468. Despite the Government's aim to comply fully with the labour Conventions and make progress in matters related to the world of work, the Bolivarian Republic of Venezuela continued to be subjected to unilateral coercive measures, which violated the Charter of the United Nations, lacked any legal basis and had devastating effects on Venezuelan society. In order to progress towards full compliance with Conventions Nos 26, 87 and 144, she was willing to accept the draft decision.
- 469. **The Employer spokesperson** said that, while some progress had been made, the full implementation of the recommendations required not only a firm commitment but also concrete and continuous action. He expressed concern at the postponement of the fourth session of the Social Dialogue Form, especially since it had wasted the Office's resources and had shown that social dialogue and trust-building processes were still fragile. He was also concerned about the delay in developing a method for fixing the minimum wage despite several meetings by the working group responsible.
- 470. Regarding Convention No. 87, issues related to Workers' Production Councils and the return of land expropriated from employers without due process had yet to be resolved. The use of Workers' Production Councils to control companies rather than to guarantee the nation's production was extremely concerning and constituted a threat to freedom of enterprise and freedom of association. They limited the economic activity of enterprises since they had been granted very wide-ranging powers in terms of supervision; they included a representative of the Bolivarian Militia as a member; they came under the responsibility of the Ministry of People's Power for the Social Process of Labour and their members were elected by an assembly convened by the Ministry; and their members enjoyed various privileges. Under Convention No. 87, all necessary measures must be taken to eliminate supervisory institutions or mechanisms that could undermine the exercise of freedom of association and enterprise in law or in practice. Some of the reported cases of violation or restriction of the property rights of leaders of FEDECAMARAS or affiliated employers' organizations had so far gone unresolved.
- 471. He welcomed the appointment of the ILO expert on social dialogue, which he hoped would facilitate the work of the Government and social partners in fulfilling the recommendations of the Commission of Inquiry. His group supported the draft decision.

- 472. The Worker spokesperson** said that, while the Government's acceptance of the appointment of an ILO expert on social dialogue was welcome, she harboured serious concerns regarding the lack of tangible progress that had been made since the current agenda item had previously been discussed by the Governing Body. The stagnation of salaries was one of the most critical issues faced by the country, and almost two years had passed since the Government had announced a minimum wage increase. The current minimum wage covered less than 1 per cent of the basic food basket, which meant that workers were unable to afford the goods and services necessary to meet their fundamental needs. The Government had not issued any response to the proposed method of fixing wages that had been agreed by the social partners in August 2023, and it was unclear whether it would adopt the proposal.
- 473.** Until recently, the Government had failed to initiate discussions on the recommendations of the Commission of Inquiry related to Convention No. 87. The authorities had been collecting union dues from workers, but had selectively distributed them among trade union organizations, depriving some organizations of the financial resources that they needed to operate. There had been no effort to ensure that the National Electoral Council did not interfere in union elections. She was alarmed by the arbitrary conviction of trade union leaders on vague charges, in the absence of judicial safeguards and with blatant violations of due process, in order to discourage other union leaders from exercising their trade union rights.
- 474.** She urged the Government of the Bolivarian Republic of Venezuela, in advance of the fourth session of the Social Dialogue Forum in February 2024, to release the union leaders who had been arrested in connection with their trade union activities, including Mr Gabriel Blanco and Mr Reynaldo Cortés; make public its position regarding the proposed wage-fixing method agreed with social partners; articulate a comprehensive plan outlining actions for the proper implementation of Convention No. 26; review, in consultation with social partners, each of the recommendations of the Commission of Inquiry by identifying progress and potential setbacks, indicating the percentage of compliance with ILO recommendations and redesigning the working methodology for subsequent meetings with social partners; and give the ILO expert on social dialogue a role in monitoring the implementation of the action plan agreed during the third session of the Social Dialogue Forum. The expert should help ensure that a coherent framework was in place to facilitate substantial progress at the fourth session of the Forum.
- 475. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that the candidate countries Albania, North Macedonia, Republic of Moldova, Montenegro, the potential candidate country Georgia, the EFTA country of Iceland, member of the European Economic Area, as well as Switzerland aligned themselves with the statement. While the EU had in the past commended the Bolivarian Republic of Venezuela's participation in the previous sessions of the Social Dialogue Forum, it was regrettable that the fourth session had been cancelled at short notice. She called on the authorities to ensure that the fourth session was not delayed beyond February 2024, to re-establish constructive dialogue and to work with the ILO to update and implement the action plan from the previous session of the Forum.
- 476.** She remained concerned about the labour rights situation, particularly with regard to freedom of association and collective bargaining. She reiterated the need to guarantee the independence and protection of trade unions and employers' organizations, and called for investigations into violations of civil liberties, trade union rights and the right to a fair trial. Damages should be provided and workers who had been found innocent should be reinstated. She expressed her full support for the ILO's independent supervisory system and assistance in

ensuring the implementation of the Commission of Inquiry's recommendations and full compliance with international labour standards. She supported the draft decision.

- 477. A Government representative of Argentina** said that he supported developments in the situation in the Bolivarian Republic of Venezuela. He welcomed the tripartite meeting between workers' and employers' organizations and the Ministry of People's Power for the Social Process of Labour, at which the parties had expressed a commitment to social dialogue. He also welcomed the Government's acceptance of ILO technical assistance and of the Governing Body's recommendation to hold the Social Dialogue Forum. He encouraged the parties to continue strengthening social dialogue with ILO support and expressed support for the draft decision.
- 478. A Government representative of Barbados** said that he welcomed the progress made, even if the pace of progress had slowed, and the technical assistance provided by the Office. However, the recommendations of the Commission of Inquiry had yet to be accepted and implemented. He was pleased that the Venezuelan Government and the political opposition had met in Barbados and had agreed on an electoral road map for the 2024 presidential elections. The leadership of Norway and the involvement of Mexico in that process had been critical. He supported the draft decision.
- 479. A Government representative of Namibia** said that the improved relationship among the tripartite constituents reported by FEDECAMARAS was a step towards effective social dialogue and reflected the commitment of the Bolivarian Republic of Venezuela and its social partners to ensure close tripartite cooperation. He called on the Office to continue collaborating with the Government and social partners in the implementation of the recommendations of the Commission of Inquiry, the relevant Governing Body decisions and Conventions Nos 26, 87 and 144 in law and in practice. He supported the draft decision.
- 480. A Government representative of Cuba** said that the Bolivarian Republic of Venezuela had continued to make progress in its compliance with ILO Conventions Nos 26, 87 and 144 and in the implementation of the recommendations made by various ILO bodies. However, the matter should not be under consideration, as it had been brought to the attention of the Governing Body for political reasons. He objected to the manipulation of multilateral bodies in order to intervene in a State's domestic affairs and bring about changes to a political system that had been freely chosen by the inhabitants of that State. Interference and punitive action had never yielded, and would never yield, positive results.
- 481. A Government representative of the Lao People's Democratic Republic** congratulated the Venezuelan Government for the remarkable progress made in the implementation of its obligations, and for its proactive cooperation with the Office and supervisory bodies in complying with the decisions and recommendations adopted at previous Governing Body sessions. He welcomed plans to hold the fourth session of the Social Dialogue Forum in February 2024. He said that the Office should promote dialogue and cooperation and provide technical assistance according to country-specific needs and priorities. He supported the draft decision.
- 482. A Government representative of Cameroon** said that the Government of the Bolivarian Republic of Venezuela had made considerable progress in promoting social dialogue in cooperation with the Office. He invited the Governing Body to ensure that the country continued to receive technical assistance. His Government supported the draft decision.
- 483. A Government representative of the United States** said that he welcomed the Office's continued efforts to support follow-up to the recommendations of the Commission of Inquiry.

He was deeply concerned that little meaningful progress had been made in implementing those recommendations, that the recommendations had yet to be accepted and that the fourth session of the Social Dialogue Forum had been rescheduled at the last minute. He called for the unfair sentences imposed on the six trade unionists to be overturned, for the Venezuelan Government to ensure respect for the right to freedom of association and for immediate action to be taken to implement the recommendations of the Commission of Inquiry and the ILO supervisory bodies. He would appreciate additional information on the envisioned mandate and resources assigned to the ILO expert on social dialogue, whose appointment he welcomed, and he wished to know when the expert would assume his role. His Government supported the draft decision and was open to considering all appropriate solutions to help implement the recommendations of the Commission of Inquiry.

- 484. A Government representative of Algeria** said that the Venezuelan Government's commitment to social dialogue was key to compliance with the international labour standards ratified by the country, and the appointment of the ILO expert on social dialogue was an essential part of the social dialogue process. He urged the Governing Body to propose further technical assistance and support measures and take the appropriate decisions based on the information received in order to ensure respect for international labour standards in the Bolivarian Republic of Venezuela.
- 485. A Government representative of Saudi Arabia**, commending the Venezuelan Government for its achievements in terms of compliance with ILO Conventions and for its efforts to strengthen social dialogue, expressed her support for the draft decision.
- 486. A Government representative of Brazil**, acknowledging the important commitments undertaken by the Venezuelan Government in the context of the Social Dialogue Forum, said that he encouraged the authorities to make further progress on the implementation of the action plan, and urged the Director-General to continue engaging with the Venezuelan Government and social partners. The Office should continue to provide technical assistance and enhance cooperation with all stakeholders to build mutual trust. In the light of the willingness shown by the Government to collaborate, he supported the draft decision.
- 487. A Government representative of the Islamic Republic of Iran** took note of the efforts made by the Venezuelan Government, acknowledging its commitment to improving compliance with ILO Conventions and promoting inclusive social dialogue. He advised all parties to constructively cooperate on advancing conditions for workers and socio-economic development, and called for strengthened collaboration and the provision of technical support to the Bolivarian Republic of Venezuela as appropriate. He supported the draft decision.
- 488. A Government representative of the Russian Federation** took note of the activities carried out by the Venezuelan Government to improve workers' rights, social dialogue and social justice and to follow up on several recommendations of the Commission of Inquiry. His Government was confident that, at the current pace, the Venezuelan Government would soon resolve all contentious issues raised by the Commission. He supported the draft decision.
- 489. A Government representative of China** noted that the Venezuelan Government had actively followed up on the decisions of the Governing Body and welcomed its conscientious efforts to fulfil its obligations under the Conventions in question, in particular by strengthening tripartite social dialogue. Progress was being made thanks to cooperation between the Government, the ILO and relevant stakeholders. She encouraged the Government to continue communicating with the ILO and called on the Office to continue providing technical support to enhance the Government's capacity to fulfil its obligations. She supported the draft decision.

- 490. A Government representative of Pakistan** welcomed the measures taken by the Venezuelan Government to comply with the decisions of the Governing Body, and its commitment to continue engaging with social partners and the ILO. He supported calls for the ILO to provide necessary technical support and encouraged the Government to continue cooperating within the ILO's tripartite framework. He supported the draft decision.
- 491. A Government representative of Indonesia** welcomed the progress made by the Venezuelan Government in implementing the ILO's recommendations and acknowledged the challenges it had faced in that regard, noting that certain aspects of the recommendations required further attention. Constructive dialogue was a crucial step towards achieving compliance with ILO standards. The Organization had the collective responsibility to provide guidance, expertise and assistance where necessary. He supported the draft decision.
- 492. A Government representative of Niger** encouraged the Venezuelan Government to continue its positive work. He expressed appreciation for its cooperation with the ILO in its efforts to follow up on the recommendations of the Commission of Inquiry, welcoming in particular its acceptance of the appointment of an ILO expert to promote social dialogue in the country. The organization of several sessions of the Social Dialogue Forum demonstrated the Government's commitment to implementing the recommendations in the spirit of collaboration. He encouraged tripartite constituents in the country to continue working constructively to achieve concrete and mutually satisfactory outcomes, and called on the Office to continue providing support to the Government and social partners. He supported the draft decision.
- 493. A Government representative of Colombia** expressed appreciation for the convening of sessions of the Social Dialogue Forum and meetings organized with ILO support, and expressed hope that progress would continue to be made in such spaces. He called on the ILO to continue providing technical assistance to all constituents in the country. He supported the draft decision.
- 494. A representative of the Director-General** (Director, International Labour Standards Department) said that the Office was finalizing the administrative formalities for the appointment of the ILO expert. The expert was expected to begin his induction in Lima, Peru, the following week and to arrive in Caracas the week after. His mandate would be to accompany and support the implementation of the action plan and the preparation of the fourth session of the Social Dialogue Forum to be held at the beginning of February 2024. However, his activities would also be informed by guidance from the Governing Body and consultation with all social partners on the ground.
- 495. A Government representative of the Bolivarian Republic of Venezuela** expressed appreciation for the constructive nature of the dialogue. She reiterated that at no point had the activities of the Workers' Production Councils conflicted with trade union activities and, to date, the Government had not received any concrete allegations for investigation. The trade unionists detained or convicted of offences had not been convicted for trade union activity or actions set out in Convention No. 87, but because they had committed offences punishable under Venezuelan law. Those cases were currently at the appeal stage, and the Supreme Court would hand down rulings in respect of their right to due process. The Government would continue following developments in those cases while respecting the constitutional separation of powers between the executive and the judiciary. Her Government would continue to work to implement Conventions Nos 26, 87 and 144 with ILO support and technical assistance, including by engaging in social dialogue.
- 496. The Employer spokesperson** said that his group shared many of the concerns expressed during the discussion. The Governing Body wished to encourage the Venezuelan Government

to continue advancing the dialogue that it had initiated. The appointment of the social dialogue expert was a positive step and would hopefully yield tangible results. However, it was important to note that there had been little meaningful progress to date, and the recommendations of the Commission of Inquiry had not been expressly accepted by the Government. Furthermore, there were pending issues and legal considerations that needed to be addressed by independent bodies. As expressed by the Venezuelan Government, dialogue was the way forward and must be accompanied by effective, objective outcomes.

- 497. The Worker spokesperson** expressed agreement with the statement made by the Employers' group.

Decision

- 498. The Governing Body, on the recommendations of its Officers:**

- (a) took note of the report on the activities carried out and the developments concerning the implementation of the action plan and reiterated its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry;
- (b) urged the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to achieve concrete results without delay;
- (c) regretted the rescheduling of the fourth session of the Social Dialogue Forum while taking due note of the continued commitment of the Government and the social partners of the Bolivarian Republic of Venezuela to engage in social dialogue;
- (d) welcomed the imminent posting of an ILO special adviser to the country and expected the Government to quickly facilitate his deployment to the country in November 2023 to accompany and support the implementation of the action plan and the preparation of the fourth session of the Social Dialogue Forum to be held at the beginning of February 2024;
- (e) requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry, the related Governing Body decisions and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 350th Session (March 2024) of the Governing Body a further report on any developments concerning the above.

(GB.349/INS/11(Rev.1), paragraph 18)

12. Report by the Government of Bangladesh on progress made on the implementation of the road map taken to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98 (GB.349/INS/12(Rev.1))

- 499. A Government representative of Bangladesh** said that in spite of an unfavourable economic environment in the wake of the COVID-19 pandemic, Bangladesh had continued its efforts to improve the labour situation in line with the road map which translated its sincere commitment to accelerate efforts for significant transformation in the world of work. Following the amendment of the Bangladesh Labour Rules and the adoption of the Export Processing Zone (EPZ) Labour Rules in 2022, there had been positive changes, particularly in respect of factory inspections in EPZs.

- 500.** The Bangladesh Labour Act of 2006 had been amended on 1 November 2023. Eight minor amendments suggested by the ILO could not be included owing to technical difficulties but would be included subsequently. Commitments had been made in discussions with the ILO Office in Dhaka. Those commitments would be met.
- 501.** Under the amendments, decisions of the Labour Appellate Tribunal could be challenged only in the Appellate Division of the Supreme Court. The scope of the Labour Act had been broadened to include criteria for the formation of trade unions. Under the amended Act the threshold of the required percentage of workers to form a trade union in factories having more than 3,000 workers had been reduced from 20 to 15 per cent. The threshold for groups of establishments had been reduced from 30 to 20 per cent.
- 502.** Maternity leave had been made more flexible and increased to 120 days and leave time benefit calculation had been simplified. Fines for unfair labour practices and anti-union discrimination had been enhanced. Provisions for a standard operating procedure to support experts during collective bargaining had been added. As part of amending the Bangladesh Export Processing Zones (EPZ) Labour Act, Bangladesh was assessing the impact of the new EPZ Labour Rules and holding consultations on their proper implementation. There were plans to amend the Bangladesh EPZ Labour Act by June 2025. Section 34 of the Bangladesh Economic Zone Authority Act had been amended to make the Bangladesh Labour Act applicable in special economic zones (SEZs).
- 503.** Trade union registration had increased and many new trade unions were expected to emerge. Training was being provided on trade union registration to both workers and employers. The Department of Labour was providing training for workers, employers and government officials dealing with labour administration. All relevant information on trade union registration for both online and offline systems was now publicly accessible. The EU was financing a database to help provide benefits to unemployed workers. Efforts to strengthen labour inspection and enforcement included the recruitment of new labour inspectors. Bangladesh would welcome capacity-building support for the inspectors. It had established a complaints management cell, appointed judges to the three new labour courts and created a conciliation and arbitration cell.
- 504.** There would be training on anti-union discrimination and unfair labour practices to induce a shift in perspective. A compendium of laws, rules and regulations on the use of minimum force and applicable sanctions had been prepared in the Bangla language. The road map demonstrated that Bangladesh had engaged with social partners, development partners and the ILO to address workers' complaints. He hoped that the openness and continued interaction of the Government of Bangladesh would testify to its sincerity. Given all its efforts, Bangladesh believed that the pending case should be closed.
- 505. The Worker spokesperson** noted that since the item had been last reviewed there had been serious violations of the right to freedom of association and collective bargaining. Union organizers and activists had been attacked and a union organizer murdered in June 2023. In another attack on garment workers, unionists were detained and some pursued to their homes and their families threatened. The most recent attacks had been in the context of protests over the minimum wage. Police and other security agencies responded to protests with force, leading to injuries and two deaths. Following a pattern begun in 2016 and continued in 2018 and 2019, baseless criminal cases had been lodged against eight union leaders and organizers and large numbers of unnamed accused. That tactic enabled the police to later make indiscriminate arrests.
- 506.** Given that the prior Government crackdowns on wage protests formed the basis for Case No. 3263, which remained active before the Committee on Freedom of Association, it was hard

to believe that the Governing Body was still debating the appropriateness of a Commission of Inquiry.

507. Turning to the report, he said that it demonstrated continued failure on the part of the Government faithfully to implement the ILO road map despite the measures it had listed. The passing of the Bangladesh Labour Act had been strongly criticized by Bangladesh trade unions as being procedurally undemocratic and contradictory to labour laws and ILO Conventions. It appeared that the Government had failed to address the vast majority of the issues raised by the CEACR and the gap analysis prepared by the Office.
508. Furthermore, the last report of the CEACR regarding Convention No. 87 had noted with regret that the Government appeared not to have addressed the concerns and urged it to conduct an expedited review of remaining issues in the Bangladesh Labour Rules. With regard to EPZs and SEZs, until the Government implemented the reforms to bring the SEZs under the Bangladesh Labour Act, an increasing number of Bangladeshi workers would be denied the right to form and join a trade union. It was a matter of profound concern that the Government had informed the Governing Body that it was consulting only with representatives of worker welfare associations rather than trade unions on these amendments. Concerning registration, serious obstacles persisted, preventing the registration of unions in law and in practice; the digitalization of trade union registration had only made the procedure more onerous for unions. Many labour officials reportedly cooperated with factory managers rather than facilitating registration. The entire registration process warranted a thorough investigation by the ILO.
509. Trade unionists were regularly dismissed or terminated for their trade union activity with no effective remedy in sight. The Government had previously referred to the standard operating procedures to deal with unfair labour practices, but these procedures and timelines were rarely respected in practice and had no impact on access to justice. Some of the solutions to the difficulties in the formal court processes set forth in the report were unsubstantiated.
510. As with previous road maps, the Government had not shown a serious commitment to the full, complete and timely implementation of its own road map, which it had voluntarily submitted to the Governing Body to address all the issues raised in the article 26 complaint. The situation could only be properly addressed by a Commission of Inquiry. The Workers' group was amenable to the matter being addressed at the Governing Body session in March 2024.
511. **The Employer spokesperson** said that it was unfair to highlight individual cases of misconduct or illegal activity and suggest that they reflected the general situation. The matter under discussion was the reforms undertaken by the Government following the recommendations of the CEACR and the Governing Body, and the progress that had been made with regard to implementation of the road map.
512. The Governing Body had discussed the complaint against the Government of Bangladesh several times since it was deemed receivable in 2019, and the final road map, which addressed four priority areas, had been developed in consultation with the ILO, the ITUC, the IOE and, importantly, the national social partners. The Employers' group was pleased to see that further progress had been made in all four priority areas since the previous report in March 2023. In particular, she was pleased to see that the proposals for additional amendments to the Bangladesh Labour Act, 2006, had been based on continued tripartite discussion. Likewise, the amendment process of the Bangladesh EPZ Labour Act, 2019, was reported to have begun in July 2023, with an envisaged deadline of June 2025. She also noted the efforts to ensure continued training of officials, workers and employers on various topics, and the recognition of the importance of ILO support for training judges and lawyers. Furthermore, the steps taken

to make the three newly established labour courts fully functional were appreciated and would hopefully help eliminate the backlog of cases.

513. In light of that progress, she thanked the Government for its continued commitment to the implementation of the required action and its engagement with the Office and the social partners. However, with the deadline approaching, they needed to redouble their efforts to comprehensively address all the outstanding issues, in continued consultation with the social partners. The Employers' group stood ready to continue working closely with the Bangladesh Employers' Federation to support the Government in that regard. She looked forward to receiving further detailed updates from the Government on the progress made and the acceleration of the ongoing processes. In light of the Government's consistent demonstration of commitment, the case should be closed quite soon. She supported the draft decision.
514. **A Government representative of Nigeria** noted the significant progress reported by the Government of Bangladesh in all four areas of the road map. The amendments to the Bangladesh Labour Act, the Bangladesh Labour Rules and the adoption of the Bangladesh EPZ Labour Rules had been made through a commendable tripartite consultative process. The process of trade union registration was now online and much simpler. It had a success rate of around 90 per cent and had registered 9,533 trade unions and millions of trade union activists, demonstrating the Government's commitment to promoting democracy and non-interference with the internal governance structure of trade unions. The number of factory inspectors had significantly increased in recent years, and a digitalized labour inspection system had been introduced. The number of courts, judges and appeal authorities had also increased, and training on various industrial relations topics had been provided to many officials. All those achievements were commendable. They also indicated that, given the necessary technical support and encouragement, further progress was possible. Therefore, the Government of Bangladesh should be requested to submit a progress report and the Governing Body no longer needed to examine the case.
515. **Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that Albania, North Macedonia, Montenegro, Republic of Moldova, Norway and Iceland aligned themselves with his statement. He expressed concern at the recent arrest of opposition activists in Bangladesh and called on all parties to refrain from violence, reiterating the importance of finding a peaceful way towards participatory elections.
516. He welcomed the submission of the progress report and the fact that it had been shared with the tripartite constituents for discussion at the Tripartite Implementation and Monitoring Committee in September. The National Action Plan on the Labour Sector of Bangladesh (2021–2026) and the road map submitted to the ILO both emphasized the importance of compliance with ratified ILO Conventions. It was important to accelerate their implementation.
517. Although progress had been made in amending the Bangladesh Labour Act, the social partners had not been adequately involved in the process. He acknowledged the amendment process of the Bangladesh EPZ Labour Act and ongoing consultations on the impact of the Act and its Rules, as well as the training relating to the trade union registration process and labour inspection. However, it remained a concern that crucial reforms had only been partially implemented. The Government must bring its labour legislation into full compliance with international labour standards without delay, in close collaboration with the social partners.
518. Restrictions on freedom of association must be removed in all sectors, and the registration of trade unions needed to be facilitated. Freedom of association and the protection of the right to organize applied to all workers regardless of where they worked. Continuing obstacles to

unionization remained a particular concern, as did the systematic denial of workers' rights regarding wage payment, overtime and working conditions.

519. It was crucial to prevent acts of anti-union discrimination and investigate cases of alleged violence and harassment against workers. Recurring strikes and violence stemmed from the lack of independent unions or a credible collective bargaining platform. There also needed to be continued efforts to train the relevant authorities to deal with peaceful strikes and protests, including sensitization on human rights and trade union rights.
520. Further work was needed to review the labour inspection framework; labour inspectorates needed to be fully functional; and there needed to be a sufficient number of adequately trained labour inspectors.
521. He encouraged the Government of Bangladesh to continue engaging in effective dialogue. Although progress had been made, further action was still required to address the core issues of the complaint in a timely manner, so continued close monitoring of the implementation of the road map was required. He supported the draft decision.
522. **A Government representative of Indonesia** acknowledged that the Government of Bangladesh had faced challenges in addressing the concerns raised in the complaint, particularly in the context of the COVID-19 pandemic. In that regard, it should be commended for its dedication. The comprehensive road map represented a significant step forward. He welcomed the headway that had been made, including the proposed amendments to labour laws and various training and awareness-raising programmes, which reflected a commitment to creating an enabling environment for labour rights and social dialogue. A collaborative, tripartite approach, with the support of the ILO, was essential. The progress that had been made merited consideration of the possible early closure of the complaint.
523. **A Government representative of India** said that the progress that had been made was encouraging, including labour law reforms, increased trade union registration and labour inspection, as well as increased enforcement in cases of anti-union discrimination, unfair labour practices and violence against workers. She supported the steps taken to introduce labour reforms, which demonstrated the Government's commitment to ensuring the rights of workers. She also welcomed the work to update the National Plan of Action to Eliminate Child Labour, in consultation with the tripartite constituents and civil society. The ILO and the international community should support Bangladesh in its efforts to strengthen its labour policies and address the challenges faced by workers. In view of the Government's strong commitment to working closely with the social partners, the Office should consider closing the case.
524. **A Government representative of the United States** noted that the fundamental issues identified in the article 26 complaint, and by the broader ILO supervisory system, had not been addressed. The recent amendment to the Labour Act lowered the registration threshold from 20 to 15 per cent only for enterprises with more than 3,000 workers. Penalties for employers that committed unfair labour practices had been increased modestly, but penalties for illegal strikes had been increased dramatically. Trade unions still did not have access to the official count of workers, making it nearly impossible to know if they met the registration threshold. Reports that the review process was rushed and lacked meaningful tripartite consultation were concerning. Although the Government reported that it was working to simplify the union registration process, independent unions reported that their applications continued to be rejected on specious grounds. The Government had also not reported progress in eliminating the backlog of cases in labour courts.

525. She expressed serious concern at recent acts of violence against workers in Bangladesh. Full and transparent investigations must be ensured, to hold the perpetrators accountable, including any individuals who might have ordered the attacks. There were also concerning reports that union members and organizers had been killed or injured by police officers at protests, and other labour leaders involved in the protests had been arrested. There must be an end to violence and harassment against workers, with increased focus on preventive measures and timely, dissuasive sanctions.
526. Although she believed that the continued lack of significant progress merited the appointment of a Commission of Inquiry, in the interest of consensus, she could support the draft decision.
527. **A Government representative of Canada** expressed profound concern that many of the fundamental issues identified in the complaint remained largely unaddressed. More than two years since the adoption of the road map, the continued slow pace of reforms and lack of timely consultations were troubling. Although amendments to the Labour Act had recently been passed, they had not addressed many of the issues identified, including the continued exclusion of workers in EPZs from its scope.
528. She noted the efforts reported to address acts of anti-union discrimination and violence, but remained concerned at the persistent reports that workers and trade unionists in Bangladesh continued to face violence, harassment and anti-union discrimination. Freedom of association and the right to collective bargaining could only be fully exercised in a climate free from violence, pressure and threats of any kind.
529. Although efforts had been made to improve the online trade union registration system and provide training, reports suggested that independent unions continued to be arbitrarily rejected. That must be rectified without delay. Additional efforts were also needed to ensure effective labour inspections, with a full complement of qualified labour inspectors. It was time for Bangladesh to demonstrate significant progress in the implementation of the road map, in close consultation with the Office and social partners. She supported the draft decision.
530. **A Government representative of Morocco** welcomed the efforts made and the results achieved towards the implementation of the time-bound road map that had been established in coordination with the social partners. He supported the specific measures that had been taken with regard to: the reform of the Labour Act; the simplification of the trade union registration system; the improvements in labour inspection; the establishment of an effective conciliation and arbitration system; and the increase in the minimum wage.
531. The road map was a sincere engagement on the part of the Government and demonstrated its willingness to develop solutions. The Bangladesh Department of Labour had limited human and financial resources, so it should be allowed to invest them in the progressive implementation of its various commitments. The Office should continue to provide technical assistance and the case should be closed.
532. **A Government representative of Algeria** noted the efforts made by the Government of Bangladesh to implement the road map and meet its commitment to implement the international labour standards. She welcomed the significant progress that had been made with regard to reform of labour laws, trade union registration, labour inspection, and combating anti-union discrimination and violence against workers. Also worthy of note were: the continued training of officials on the registration process, particularly online; measures to fill vacant labour inspector posts and provide regular training; the implementation of modalities for inspection in EPZs; the creation of new factory safety committees; and the formation of a Government Coordination Council to coordinate the activities of the ready-made

garment Sustainability Council. Other welcome developments were: the preparation of a compendium in the Bangla language of laws, rules and regulations on the use of minimum force; continued training of Industrial Police officials on labour and human rights; and the implementation on a pilot basis of a social protection programme for unemployed and destitute workers in all export-oriented sectors.

- 533.** The Office should continue to provide technical support to the Government of Bangladesh, particularly with regard to training and to establish the necessary framework to speed up the implementation of the road map. She called for the complaint to be closed and joined the consensus to support the draft decision.
- 534. A Government representative of Cameroon** welcomed the efforts made by the Government of Bangladesh and its commitment to continuing to improve the situation of freedom of association in the country. The establishment of a specific, time-bound road map to address all the issues raised in the complaint was proof of its good faith, which was a significant step. The four priority areas of the road map reflected the Government's willingness to improve labour governance and maintain social peace, in spite of the inflationary pressure caused by the various economic crises. Progress had been reported to the Governing Body several times, and that should be taken into account. She therefore proposed closing the case more rapidly.
- 535. A Government representative of Colombia** said that he agreed with the concerns that had been raised by the workers of the world, including Colombia, about the issues faced by workers in Bangladesh, as outlined in the report. Little progress had been made on the implementation of the road map. It was important to ensure that freedom of association and the right to organize were respected, and workers must be guaranteed a safe and healthy workplace. He urged the Government of Bangladesh to take additional measures to implement the road map and hoped that the Office would continue providing technical assistance.
- 536. A Government representative of Oman** expressed support for the efforts made by the Government of Bangladesh, in coordination with the social partners and others, to address the substance of the article 26 complaint. He supported the recent Labour Act reform, carried out in consultation with the social partners. He also supported the efforts to simplify the union registration process and the reduction in the registration threshold for enterprises with more than 3,000 workers. He welcomed the provision of training for labour inspectors. In view of the Government's full engagement, the complaint should be closed soon. He encouraged the Government to continue its efforts to improve working conditions in Bangladesh and called on the Office to provide technical assistance to ensure decent work in accordance with international labour standards.
- 537. A Government representative of the United Kingdom** said that his Government was working closely with international organizations and other partners to improve labour rights in Bangladesh, including through chairing an international platform that met with senior Bangladeshi officials to discuss how to encourage policymakers to take necessary actions to implement labour reform. Concerns had been raised about the lack of tripartite consultation on the recent amendments to the Bangladesh Labour Act. It was also concerning that the new Labour Act did not address barriers to trade union registration, which was one of the major reforms outlined in the road map. Reports of violence at recent workers' protests must be investigated and peaceful protests must be allowed to take place. He supported the draft decision.
- 538. A Government representative of Saudi Arabia** said that the information provided reflected the commitment of the Government of Bangladesh to development and socio-economic

improvements. She noted especially the efforts towards cooperation with social partners and the ILO. Therefore, the case should be closed as soon as possible.

- 539. A Government representative of China** recognized the efforts of the Government of Bangladesh to promote labour law reform and its plan to promulgate amendments to the Bangladesh Labour Act. Progress made in protecting workers' rights, strengthening labour inspection and addressing anti-trade union discrimination demonstrated the Government's cooperation with the ILO and its implementation of ILO Conventions. In that light, she urged the Governing Body to close the case as soon as possible.
- 540. A Government representative of Cuba** said that it was important for governments to be given the necessary time and space to work with the relevant partners on their national legislation to comply with the obligations and commitments stemming from ratification of ILO instruments. Bangladesh had demonstrated what could be achieved through negotiation, technical assistance and cooperation, which should be taken into account when deciding whether to close the case. It was also important to consider a country's commitment to working with the Organization. Commitment to tripartite dialogue and consensus, both fundamental ILO principles, was also important.
- 541. A Government representative of the Islamic Republic of Iran** said that the efforts of the Government of Bangladesh to meet its commitments under the road map demonstrated its intention to improve the overall situation of workers in the country. The Office should provide support in line with national priorities in order to further those efforts. Recognizing the progress made in labour law reform, trade union registration, labour inspection and enforcement, she requested the closure of the case.
- 542. A Government representative of Malawi** commended progress made to implement the road map and urged the Government of Bangladesh to speed up the amendment of the Bangladesh Labour Act, 2006. She noted with interest the plans to amend the Bangladesh EPZ Labour Act, 2019, and to review the list of hazardous work for children. She applauded improvements made to labour inspection and enforcement and the adoption of the National Occupational Safety and Health Policy, the Domestic Workers Protection and Welfare Policy and the National Child Labour Elimination Policy. She therefore called for the case to be closed and requested the Office to continue working with the Government to support the implementation of the road map.

Decision

- 543. Taking note of the report on progress made with the implementation of the road map of actions to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98, the Governing Body, on the recommendations of its Officers:**
- (a) requested the Government of Bangladesh to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 350th Session (March 2024); and
 - (b) deferred the decision on further action in respect of the complaint to that session or any subsequent session.

(GB.349/INS/12(Rev.1)), paragraph 8)

13. Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus (GB.349/INS/13(Rev.1))

- 544. A Government representative of Belarus**, authorized to speak in accordance with article 1.8.3 of the Standing Orders on a matter concerning his Government, said that the International Labour Conference had, at the initiative of Western countries and without an objective basis, adopted a politicized resolution that, in effect, called for the isolation of Belarus. The resolution was a way of punishing his country, discrediting it at the ILO and using the Organization's mechanisms to support the illegal political sanctions of Western countries against it. The political bias of the resolution was evident in the content of reports and in the countries calling for its implementation. There was no objective reason to take restrictive measures concerning Belarus. The proposed action undermined the ILO's authority and harmed the entire UN system.
- 545.** In recent years, Belarus had worked with the ILO to implement the recommendations of the Commission of Inquiry of 2004. Yet a radical change in approach had taken place in the ILO supervisory bodies at the behest of Western countries, following their unsuccessful attempt to destabilize the situation in Belarus during the 2020 presidential elections. The anti-Belarusian resolution was aimed at legalizing the application of restrictions and sanctions – measures that did not reflect the spirit of the principles and aims of the ILO or support the development and interests of Member States and their citizens. There was no point to ratifying Conventions if, on the basis of an unfounded complaint, the structure's political bias could leave a country facing restrictions under article 33 of the ILO Constitution, without being able to defend its rights based on the presumption of innocence. Article 33 of the Constitution was never envisaged to be used for such a destructive purpose.
- 546.** The ILO had sent requests to international organizations with a humanitarian mandate, calling on them to review cooperation with Belarus, which meant reducing programmes intended to help the most vulnerable people. The main purpose of the UN system was to bring countries together, not to become an instrument of collective punishment. The ILO was clearly going beyond its mandate. The withdrawal of invitations for Belarus to participate in ILO events had prevented it from accessing information and technical cooperation; that was absurd, and constituted a double standard.
- 547.** Concerns about the situation of trade unions in Belarus were unfounded. Whenever representatives of the ILO had visited Belarus, they had commended the work that had been done concerning trade unions. Despite the current situation, his Government remained open to continuing contacts, provided that there was honest interaction that respected its position and national interests. ILO experts had been invited to attend meetings of the main tripartite bodies to form an objective view on the allegations, but had responded that it was impossible as technical cooperation had been halted. Yet his Government received continuous requests for an ILO tripartite mission to gather information on the implementation of the recommendations, including by visiting prisoners serving sentences for crimes, not trade union activities. It was unclear how the Government's obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), were linked to visiting those citizens; such visits would go beyond the mandate of the ILO. Any mission to Belarus was liable to be used as a further pretext to escalate the pressure on Belarus.

548. It was regrettable that the Organization had been dragged into dishonest political games concerning a long-standing Member of the ILO. The UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had indicated that the sanctions were neither just nor humane and that they were indiscriminate. The members of the Governing Body had the power to prevent the ILO from becoming a stage for the politically motivated settling of scores. The path of isolation, restrictions and sanctions was one that would lead to the undermining of the authority of the ILO and the erosion of its ideology and principles. The future of the Organization and the achievement of its strategic goals depended on the action taken by Governing Body members. He called on them to reject the draft decision and to put the matter to a vote. Procedures to repeal the discriminatory resolution on Belarus must begin without delay.
549. **The Worker spokesperson** noted that the adoption of the resolution on Belarus had been the culmination of a series of steps to secure the Government's compliance with its obligations under Conventions Nos 87 and 98 following its continued failure to accept the recommendations of the Commission of Inquiry of 2004, which had concluded that the authorities were interfering significantly in the trade union movement. The continued violation by Belarus of its obligations was extremely concerning. It had not accepted the urgent ILO tripartite mission, and independent trade unions and their leaders were relentlessly persecuted and labelled extremists and terrorists. Unions had been dissolved and unionists had been arrested, imprisoned and forcibly displaced from Belarus. Any person associated with the Belarusian Congress of Democratic Trade Unions and its affiliates was at risk. The justice system lacked impartiality and independence and systematically prosecuted trade unionists on serious, unfounded charges. The Workers' group had documented further serious acts of repression by the Government that post-dated the adoption of the Conference resolution. The list of 47 imprisoned trade unionists in Appendix 5 to the Office document demonstrated the intentional and systematic nature of the Government's attacks on independent trade unions. Eleven additional union leaders and activists had had their movements, work and financial affairs restricted, despite having completed their prison sentences, and there was no process to remove the label of "extremist", which had far-reaching consequences for them. New criminal proceedings were being initiated against trade unionists who had been released. Also concerning was the impact of incarceration on the health of prisoners, including Aliaksandr Yarashuk, a member of the Governing Body. The Workers' group demanded the immediate release of trade unionists detained for participating in strikes and union activities and the withdrawal of all charges against them. Visitors, including ILO officials, must be granted access to them as a matter of urgency, in line with the Conference resolution.
550. The Government of Belarus continued to show complete disregard for civil liberties and fundamental freedoms. The criminal code has been amended with new restrictions and penalties, and no steps had been taken to bring the labour code in line with Conventions Nos 87 and 98. Urgent action was therefore needed. An action plan should be developed, in consultation with constituents, with specific steps implement the Conference resolution. It should include mechanisms to guide measures at the country level and bilateral relations with Belarus, and cooperation with other international organizations and institutions, including structural cooperation with the UN Special Rapporteur on the situation of human rights in Belarus. The group therefore proposed an amendment to insert, in subparagraph (d) of the draft decision, "develop an action plan to implement the Conference resolution" for the Governing Body's consideration at its 350th Session (March 2024).

- 551.** As a matter of urgency, the Office must explore, with the Government of Belarus, possibilities to visit those imprisoned for trade union activities. Information should be sought from Belarusians living in exile after serving prison sentences; the Workers' group stood ready to facilitate such engagement. She reiterated her group's deep concern at the recent and continued attacks against trade unionists in Belarus, and deplored that, 19 years after the Commission of Inquiry, the situation had only deteriorated. She encouraged all Member States to take proactive measures and report on them to the Office prior to the March 2024 session of the Governing Body.
- 552. The Employer spokesperson** expressed her group's deep concern that the Governing Body continued to face complaints of the failure of Belarus to implement the recommendations of the Commission of Inquiry. The latest developments in Belarus were also deeply concerning, as were allegations of persistent serious violations of fundamental civil rights and of freedom from arbitrary arrest and detention. The information provided by the Government in September 2023, including its view that the issues at stake did not relate to working conditions, industrial relations or trade union activities, made it all the more important for an ILO tripartite mission to observe the situation on the ground in an impartial and constructive manner. Following the Conference's adoption of the resolution, the Government had reported that measures had been adopted to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the ILO supervisory bodies, and had invited ILO representatives to participate in meetings of the national tripartite bodies. More needed to be done, however. She urged the Government of Belarus to agree to receive an ILO tripartite mission that would gather information on the implementation of the recommendations. That mission must not exceed the mandate of the ILO and should be based on the verification of facts, impartial observation of the situation on the ground and constructive engagement with the Government. The Government of Belarus should continue to inform the Governing Body of progress on compliance with those recommendations and the follow-up to the Conference resolution. The approach of the ILO was to seek ways to solve problems, and that would require engagement with all parties on the ground. Her group supported the draft decision, as amended by the Workers' group.
- 553. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that Albania, North Macedonia, Republic of Moldova, Ukraine, Iceland and Norway aligned themselves with his statement. The EU and its Member States found the persistent failure of the authorities of Belarus to observe their obligations under Conventions Nos 87 and 98 and to implement the recommendations of the Commission of Inquiry deeply regrettable. The steep deterioration in the human rights situation, including the violation of labour rights, since the 2020 presidential elections, and particularly since the involvement of Belarus in the Russian Federation's aggression against Ukraine, was deeply concerning. He condemned the violence perpetrated by the Lukashenko regime, which inhibited the full exercise of civil liberties pursuant to legitimate trade union activities. He reiterated support for the call of the CEACR for the Belarusian authorities to abandon their policy of destroying the independent trade union movement and to engage with the ILO, in particular by implementing without delay all outstanding recommendations of the ILO supervisory bodies.
- 554.** The arbitrary arrest and detention of trade union leaders and members was a further cause of deep concern. He urged the authorities to adhere to the country's international obligations to respect, protect and fulfil human rights, to immediately and unconditionally release all political prisoners and those detained on politically motivated charges, including trade unionists, and to drop all related charges. He condemned the presidential decree of September 2023 that had

denied citizens the right to process essential documents at Belarusian diplomatic missions, in an effort to make those in exile return to the country and face potential prosecution.

- 555.** The deteriorating conditions of several political prisoners were of particular concern; the Belarusian authorities should refrain from any action that would cause further harm and provide the necessary medical care. He urged the authorities to receive as a matter of urgency an ILO tripartite mission, including a visit to detained independent trade union leaders and activists. Belarus must step up its efforts to fully implement the recommendations of the Commission of Inquiry, in keeping with its obligations as a Member of the ILO and a party to the fundamental ILO Conventions.
- 556.** The EU had imposed successive rounds of sanctions since 2020 to address continued violations of human rights, including labour rights, and worsening internal repression, and would take further measures in line with the resolution as needed. He called on all ILO Member States to implement the resolution and inform the Office of the measures taken. He supported the draft decision and the Workers' group's amendment, and asked the Office what the best way of implementing the proposed plan of action would be.
- 557. Speaking on behalf of the Governments of Australia, Canada, Japan, Switzerland, the United Kingdom and the United States,** a Government representative of Canada said that, while article 33 was a mechanism of last resort that had only been used once before, no other option had been available in view of the complete and long-standing disregard of the Belarusian authorities for the ILO's fundamental principles and rights at work, its Constitution and its supervisory system. Almost two decades since the Commission of Inquiry, no tangible progress had been made towards implementation of its recommendations and those of the ILO supervisory bodies. The latest information on repression and persistent attacks against workers for exercising civil and labour rights and on inhuman detention conditions for trade union leaders and activists was deeply concerning, as was the authorities' continued refusal to accept an ILO tripartite mission to assess the steps taken towards application of Conventions Nos 87 and 98 and to visit detained trade unionists to assess their well-being. She urged Belarus to cooperate with the ILO, to implement without further delay all outstanding recommendations of the Commission of Inquiry and the ILO supervisory bodies, and to accept an ILO tripartite mission. She encouraged all ILO constituents to continue taking all possible measures under the Conference resolution. She reiterated the call for the immediate release of all trade unionists in detention.
- 558.** The Director-General should continue to inform the Governing Body of developments concerning the situation in Belarus and to urge the authorities in the country to receive as a matter of urgency an ILO tripartite mission to gather information on the implementation of the recommendations of the Commission of Inquiry. She supported the draft decision, including the amendment of the Workers' group.
- 559. Speaking on behalf of the Governments of Estonia, Denmark, Finland, Lithuania, Latvia, Poland, Sweden Norway and Iceland,** a Government representative of Iceland reiterated that Belarus was failing to fulfil its obligations as a Member of the ILO and demonstrating a lack of respect for the Organization and its supervisory system. She called on Belarus to immediately and unconditionally cease its aid to the war of aggression of the Russian Federation against Ukraine. The persecution by the Belarusian authorities of people who opposed the aggression undermined fundamental human rights. She strongly condemned those human rights violations and the increase in mass arrests and detentions of workers labelled "disloyal to the regime" by the authorities. The deteriorating situation of human rights, including labour rights, in Belarus remained a cause of serious concern. She reiterated the demand to drop all charges

against and immediately release all trade union leaders and members imprisoned for participating in trade union activities or the exercise of their civil liberties. She urged the Office to continue its efforts to persuade the Belarusian authorities to refrain from any action that would worsen the situation of imprisoned trade unionists. She expressed gratitude to the ILO constituents and international institutions that had implemented measures in accordance with the Conference resolution and urged those who had not yet done so to take appropriate measures. She supported the draft decision and the amendment proposed by the Workers' group.

- 560. A Government representative of the Lao People's Democratic Republic** commended the progress made by Belarus in the implementation of its obligations under ILO Conventions and of the decisions and recommendations adopted during the previous sessions of the Governing Body and the 111th Session of the Conference. Its achievements included the implementation of the recommendations of the Commission of Inquiry, simplification of the registration of trade unions and the expansion of the composition of the National Council on Labour and Social Issues. The application of unilateral coercive measures against any ILO Member State did not represent an effective way forward. The work of the ILO and its mechanisms should be conducted through genuine dialogue and cooperation, with the consent of the country concerned, the sharing of best practices, and the provision of capacity-building and technical assistance in accordance with the country's needs and priorities. He could not support the draft decision.
- 561. A Government representative of Algeria** reiterated that recourse to article 33 of the ILO Constitution through measures such as economic sanctions were not conducive to dialogue and consultation, which were key values of the Organization. She reaffirmed the need to pursue dialogue and negotiation with the Government of Belarus and the social partners to ease tensions and work on a timetable for the full implementation of the recommendations of the Commission of Inquiry. Indeed, some recommendations had already been implemented and significant progress had been made on others. She welcomed the fact that the Government of Belarus had declared that it would do what was required to follow up on those recommendations. The provision by the Office of the requested technical assistance and its participation in the meetings of national tripartite bodies would undoubtedly have a positive impact. The ILO must promote constructive social dialogue to restore trust among all stakeholders and its constituents, while ensuring protection of the rights of all workers and employers, since they were the first to be affected by economic sanctions and other measures. She encouraged the Governing Body and the ILO to find solutions and promote social dialogue without recourse to sanctions and measures that were liable to aggravate the situation and make workers and employers more vulnerable.
- 562. A Government representative of the Russian Federation** said that he categorically disagreed with the assessment of the situation presented in the Office document. He reiterated that article 33 of the ILO Constitution was a measure of last resort in the event of the most severe violations of the ILO Constitution and Conventions or the outright refusal by a State to cooperate. At every stage, Belarus had been willing to engage in constructive dialogue with the ILO. Following the publication of the report of the Commission of Inquiry, a range of legislative and practical measures had been adopted to improve the protection of workers' rights, liberalize the regulation of trade union activities and reduce state interference. By 2020, the vast majority of the recommendations of the Commission of Inquiry had been implemented in full or in part. There had been no severe failure to comply with international labour standards, and certainly no refusal to cooperate with the supervisory system. The radical change in the ILO's approach towards Belarus, including the adoption of the

Conference resolution, was a politically motivated decision linked to attempts to punish the Government for internal political events in 2020. Such measures primarily hurt ordinary Belarusian workers, who were deprived of the advantages of international cooperation. That approach diverged from the lofty ideals enshrined in the ILO Constitution.

- 563.** The draft decision contained unlawful steps aimed at the implementation of an unlawful resolution and there was therefore no point in proposing any amendments to it. He called for a vote and urged all delegations to reject the application of restrictions against Belarus under article 33 of the ILO Constitution.
- 564. A Government representative of Cuba** said that the information provided by the Government of Belarus demonstrated its commitment to meeting its obligations under the ILO Constitution. In any forum, a country's sovereignty and self-determination must be respected, and dialogue and cooperation should prevail over coercion and confrontation. The Governing Body should avoid politicization and punitive approaches, which would ultimately undermine the credibility of the ILO. He reaffirmed the importance of tripartite dialogue and consensus-building.
- 565. A Government representative of China** found it regrettable that article 33 of the ILO Constitution had been invoked to impose sanctions on Belarus. He noted the information provided by the Government, contained in Annex 7 to the Office document, on its active communication with the Office, conscientious implementation of the recommendations of the Commission of Inquiry, and submission of detailed materials to the supervisory bodies. He called on the Governing Body to take that information seriously. The ILO's supervisory mechanism should not be politicized to attack a Member State and interfere in its internal affairs. Protecting labour rights should not be used as a pretext to allow criminals to go unpunished. Sanctions were damaging the rights of workers and employers and harming economic and social development, which was contrary to the mandate of the ILO. He encouraged the Office to provide the technical assistance required for the Government of Belarus to meet its obligations. His Government did not support the draft decision or the amendment proposed by the Workers' group, and supported the request for a vote made by the representative of the Russian Federation.
- 566. A Government representative of the Islamic Republic of Iran** welcomed the progress made by the Government of Belarus to respect trade union rights and enforce Conventions Nos 87 and 98. Assessments by the ILO's supervisory bodies should be based on reliable and authentic reports and constructive cooperation. She requested the supervisory bodies to consider the Government's contention that the 2020 protests were politically instigated by external forces and unrelated to the exercise of trade union rights. The ILO should make every effort to resolve disputes through tripartite negotiations, without resorting to sanctions which weakened the country's ability to support its workers.
- 567. A Government representative of Pakistan** noted the Government's ongoing engagement with the supervisory system and its implementation of the Commission of Inquiry's recommendations. Dialogue and engagement remained the best means of addressing concerns and promoting labour rights and standards. He called on all parties to resolve outstanding issues, including by using alternatives to article 33 of the ILO Constitution.
- 568. A Government representative of Niger** highlighted the unique value of the ILO's tripartite structure and the promotion of social dialogue in achieving social justice. However, a government also had obligations concerning national security and stability. His own Government had experience of the impact of terrorist actions and sanctions on public affairs, and he therefore commended the Government of Belarus for the progress made towards

social dialogue. He encouraged the Government to intensify those efforts and to invite stakeholders to participate in more consultations, with the support of the Office.

569. A Government representative of Oman welcomed the progress made by the Government of Belarus in implementing Conventions Nos 87 and 98. He called on the Government to take further steps to increase workers' rights and urged the ILO to provide technical assistance according to the needs expressed by the Government.

570. A representative of the Director-General (Director, International Labour Standards Department) informed the Governing Body that the Office had been proactive in following up on the implementation of the Conference resolution. The Office and the Director-General had engaged repeatedly with the Government of Belarus to invite it to welcome the ILO tripartite mission in accordance with the resolution. The Office had also informed all Member States and the relevant UN Special Rapporteurs of the content of the resolution, and had organized follow-up discussions with the latter. In response to the question of the representative of the EU and its Member States, she said that the proposed action plan would contain the various elements needed to follow up on the implementation of the Conference resolution. Such an action plan might be more developed in areas where the Office had direct control, such as continued engagement with the UN Special Rapporteurs. Other actions would necessarily be the responsibility of constituents, where the Office could propose actions that would promote further engagement and follow-up.

571. The Chairperson indicated that, having listened to the various statements, there was apparently no room for reaching a decision by consensus. Since several countries had requested a vote, and having consulted with his fellow Officers, he decided to put the draft decision, including the amendment proposed by the Workers' group, to a vote by show of hands.

(The decision, as amended, was adopted with 42 votes in favour, 2 votes against and 7 abstentions.)

572. A Government representative of Belarus expressed her thanks to those members of the Governing Body that had not supported the politicized decision and had defended her Government, standing up courageously to the manipulations of the West. The Governing Body's discussion had confirmed the intentions of the opponents of Belarus, who were using the ILO's supervisory mechanism to legitimize their unilateral coercive measures. The main accusation against her Government – the alleged prosecution of individuals based on their trade union activities – was unfounded, as those individuals were being prosecuted for crimes unrelated to trade union activities. The Government of Belarus did not violate ILO Conventions. The principles of freedom of association, social dialogue and tripartism were enshrined in national legislation and applied in practice. However, the opponents of Belarus continued to distort the facts. So-called independent trade unions were levelling complaints against Belarus, but they were not genuine trade unions. The former Belarusian Congress of Democratic Trade Unions had been fraught with extremism and controlled from the outside to discredit Belarus. Despite the fact that it no longer existed, the ILO supervisory mechanism continued to accept its complaints. Pressure on Belarus had been escalated on the basis of false information.

573. She noted that article 33 of the ILO Constitution could only be applied to States that had ratified a given Convention. However, Governments that had not ratified Conventions Nos 87 and 98 had accused the Government of Belarus of violating them, which was a double standard. The ILO should maintain its ability to unite constituents in the face of increasing numbers of social and labour-related problems worldwide. Regrettably, the approach of the West was sowing further division with the Organization.

- 574. The Worker spokesperson** noted that workers and employers from all around the world, not just from the West, had voted almost unanimously in favour of action under article 33. Furthermore, as the Worker spokesperson, she represented all workers worldwide. She reiterated that it was not possible to have genuine social dialogue with trade unionists who were in prison or were threatened with prosecution. It was disappointing that the Government of Belarus still refused to recognize that it was expected to work with the ILO to improve fundamental workers' rights.

Decision

575. The Governing Body:

- (a) **took note with continuing concern of the information provided in document GB.349/INS/13(Rev.1);**
- (b) **once again urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention;**
- (c) **invited Member States to continue taking steps to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus;**
- (d) **requested the Director-General to develop an action plan to implement the Conference resolution and prepare an updated report for the 350th Session (March 2024) of the Governing Body.**

(GB.349/INS/13(Rev.1), paragraph 38, as amended by the Governing Body)

14. Report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29) (GB.349/INS/14)

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

8. The Governing Body:

- (a) took note of the report of the Commission of Inquiry established in accordance with article 26 of the Constitution concerning non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), as well as of the reply from the military authorities.;
- (b) urged the military authorities to desist from any and all acts of retaliation against any individual or organization which provided information to the Commission of Inquiry;
- (c) urged the immediate respect for international humanitarian and human and labour rights law in Myanmar, in light of the serious violations documented in the report;
- (d) decided to include an item on the agenda of its 350th Session (March 2024) entitled "Follow-up to the Commission of Inquiry in accordance with article 26 of the Constitution concerning non-observance by Myanmar of the Freedom of Association

and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29);

(e) in preparation for the agenda item decided in (d), invited the Director-General to prepare a report including possible further measures, including those foreseen in the ILO Constitution, to secure compliance by Myanmar with the recommendations of the Commission of Inquiry in the event the military authorities do not accept the recommendations of the Commission of Inquiry and do not commit to implement them fully and promptly.

- 577. The Worker spokesperson** said that the case of Myanmar was a reflection of the steady erosion of democratic governance and the closing of civic space in all regions of the world. A brief period of quasi-democratic governance, when workers had taken advantage of new, albeit limited, freedoms, and wages and working conditions had been improving, had been brought to an end by the military coup in 2021. Myanmar was currently the only ILO Member State that had been the subject of a Commission of Inquiry twice and was one of two countries that had been subjected to measures under article 33 of the ILO Constitution.
- 578.** The military regime exacted, in a systematic and widespread manner, forced labour from civilians for military purposes, and many of those civilians had also been beaten, tortured, subjected to gender-based violence, raped, used as human shields or killed. Dissidents, who had been imprisoned by courts that lacked independence and impartiality, and without due process, were often sentenced to hard labour, and workers in the private sector were reportedly forced to work outside regular hours without compensation. Basic civil liberties essential to the exercise of freedom of association had been eliminated. Several unions had been abolished while others had been forced to re-elect their leaders. The police and the military had reacted violently to strikes over workplace grievances. He fully supported the Commission of Inquiry's recommendations related to the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and welcomed the letter from a tripartite delegation in Myanmar, which included representatives of the Confederation of Trade Unions, Myanmar (CTUM), accepting the recommendations and requesting support with their implementation.
- 579.** The report of the Commission of Inquiry belied the Myanmar regime's claims to respect Conventions Nos 29 and 87 in law and in practice, and it was difficult to believe that the regime would give serious consideration to the Commission's recommendations. He noted that, in August 2023, the regime had decided to take action against the CTUM after its leaders and members had provided information necessary for the Commission to conduct its investigation. He expressed appreciation to Member States that had provided refuge for trade unionists who had been forced into exile by the military regime and to States that had imposed sanctions to deny the regime funding. He also acknowledged the role of businesses, many of which had withdrawn from the country given that workers were denied freedom of association and that business revenues might otherwise support the regime financially.
- 580.** Given the dire circumstances, immediate action must be taken in accordance with article 33 of the ILO Constitution to secure compliance with Conventions Nos 29 and 87. A report by the Director-General on possible further measures and any response by the regime in Myanmar should be discussed at the 350th Session of the Governing Body. In order to address the ongoing exclusion of workers' and employers' representatives, he hoped that the ILO Credentials Committee would consider making a determination in 2024 that would enable the legitimate representatives of Myanmar to resume active participation in the work of the ILO.
- 581. The Employer spokesperson** recalled that the Governing Body had made the decision to establish a Commission of Inquiry in respect of Myanmar due to the dire and deteriorating

situation in the country, not just from a labour and employment perspective, but from a humanitarian perspective. The findings of the report by the Commission of Inquiry were a cause of concern. Action taken by the military authorities since February 2021 had led to the restriction of freedom of association, trade union rights and activities, and employers' rights. It had concluded that there was a violation of Conventions Nos 87 and 29. She noted that the Commission of Inquiry had urged the Myanmar authorities to cease all forms of violence, torture and other inhuman treatment of trade unionists; end all forms of forced or compulsory labour and forced recruitment to the army; release trade unionists detained in relation to the exercise of their trade union rights and activities and withdraw all criminal charges against them; and fully restore the protection of basic civil liberties that was a basis for freedom of association. The crisis was becoming entrenched in Myanmar, which negatively affected workers and employers. She thanked those who worked to carry out the ILO's mandate and duties on the ground in Myanmar, despite a persistently adverse and uncertain environment.

- 582.** She urged the Myanmar authorities to take the report seriously and to start implementing its recommendations – Chapter 9 of the report would provide a good starting point. It was to be hoped that the Myanmar authorities would announce their acceptance of those recommendations within the allotted three-month period. Her group was committed to freedom of association and hoped for improvements that would form the basis of peace and prosperity for employers and workers alike. With respect to the references in the report to the right to strike, her group recalled its disagreement with the Committee of Experts' views on Convention No. 87 concerning the right to strike.
- 583.** Her group strongly preferred the concise draft decision proposed by the Office. The amended draft decision proposed by the Workers' group distracted from the main message for the Myanmar authorities, which was to immediately begin to review and implement the recommendations of the Commission of Inquiry. Her group remained open to further discussion on the matter, depending on the positions taken by the Governments.
- 584. Speaking on behalf of the EU and its Member States,** a Government representative of Spain said that Albania, North Macedonia, Republic of Moldova, Montenegro, Georgia, Iceland and Norway aligned themselves with the statement. He welcomed the report of the Commission of Inquiry, which regrettably documented violations of Conventions Nos 87 and 29. It was deplorable that the Myanmar military had denied the members of the Commission access to conduct an onsite visit to Myanmar – the second such occurrence in the history of the Organization, with the first occurrence also linked to Myanmar. The legislative and practical actions taken by the military regime since the military coup of February 2021 were deeply alarming. He condemned in the strongest possible terms the reported action and violence against trade union leaders and members due to their trade union membership and activities, which included killings, arbitrary arrests, intimidation, sham trials, house raids and evictions, and forced exile. The degrading treatment, including sexual violence, inflicted upon women trade unionists by the male-dominated security apparatus was a cause of particular concern. A further cause of grave concern was the continued exaction of forced labour after 2012, including from children and members of the Rohingya minority and other ethnic or religious minorities. He condemned in the strongest terms those fundamental violations of labour rights and joined the Commission of Inquiry in urging the Myanmar military to immediately cease all forms of violence, torture, intimidation and other inhumane treatment against trade unionists, end all forms of forced labour and immediately start work to respond to the Commission's report. The EU and its Member States stood ready to further assess the situation, including at the following session of the Governing Body in March 2024.

- 585.** He noted the release in September 2023 of labour rights defenders and workers who had been arbitrarily arrested for requesting a wage increase, and called for the immediate release of all those who had been detained for activities in support of Myanmar workers, including Mr Thet Hnin Aung, General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation. The resilience of trade unions that persisted in their activities was commendable; he supported the call of the ILO to stop any form of interference in the establishment, administration and functioning of trade unions. Although the Myanmar military had established a steering committee in response to the Commission of Inquiry, some of its stated responsibilities gave rise to serious concern, such as potential action against trade union organizations that provoked protests and international pressure against the Myanmar military within the ILO. He urged the steering committee to work with the ILO and to implement the recommendations swiftly, while respecting the ratified labour standards. He supported the amendment proposed by the Workers' group.
- 586. Speaking on behalf of Australia, Canada, New Zealand, Switzerland and the United Kingdom,** a Government representative of Australia said that he wished to acknowledge the work undertaken by the ILO Liaison Office in Myanmar and the Commission of Inquiry in extremely difficult circumstances. The report by the Commission confirmed previous findings of the ILO and other UN bodies of ongoing and far-reaching violations of labour law and abuses of human rights. He expressed deep concern at the documented oppression of civil liberties that had led to serious violations of Conventions Nos 87 and 29 and included the perpetration of killings, torture and sexual violence against trade union members and leaders. The continued systematic exploitation of civilians for forced labour and the military regime's disregard of basic civil liberties, due legal process and institutional recourse had comprehensively extinguished the rights set out in those Conventions.
- 587.** He reiterated support for the United Nations Special Rapporteur on the situation of human rights in Myanmar, the Independent Investigative Mechanism for Myanmar, and the need for swift implementation of UN Security Council resolution 2669 (2002). He expressed his opposition to the coup and called for the restoration of democracy, protection of rights and freedoms, and unobstructed humanitarian access. The impact of the complete collapse of the economy meant that international trade had a key role to play; businesses operating in Myanmar should be able to continue, while respecting responsible business practices, including human rights. He fully supported the conclusion of the report that freedom of association lay at the heart of democracy and the rule of law, and was a prerequisite for social dialogue, collective bargaining and tripartite cooperation.
- 588.** The regime's initial response to the findings and recommendations of the Commission was deeply disappointing. He urged the regime to uphold the obligations of Myanmar under Conventions Nos 87 and 29 by immediately and fully accepting and implementing the report's recommendations. He echoed those recommendations, in particular the calls to end violence against civilians and civilian targets, engage in inclusive dialogue with all stakeholders, allow full access for humanitarian assistance, and release unjustly detained union leaders. The report underscored the gravity and scale of the crisis and contributed to the growing body of evidence of the regime's disregard for and violation of international law. Its findings demonstrated the urgency of ending the sale and transfer of arms to the Myanmar regime and he encouraged States to take steps in that direction. He reaffirmed support for the centrality of ASEAN and its resolute and consensus-based efforts to address the crisis.
- 589.** He supported the proposed subparagraphs (b), (c) and (d) of the amended draft decision proposed by the Workers' group. Although caution was needed concerning proposed subparagraph (e), so as not to pre-empt the response from the regime, it had been phrased in

terms of acceptance of the Commission's recommendations and would be subject to further deliberations by the Governing Body. He therefore supported the amended draft decision proposed by the Workers' group.

- 590. A Government representative of the United States** said that he wished to thank the members of the Commission of Inquiry and those who had cooperated with them, at great personal risk, for their efforts. The report established authoritatively that Myanmar was in violation of its obligations under Conventions Nos 87 and 29. His Government condemned the military regime's actions against trade union members and leaders for their trade union membership and activities, and their particularly egregious treatment of women trade union leaders. It also condemned the continued systematic and widespread use of forced labour. He urged the regime to immediately implement in full all the recommendations made in the report. Greater efforts were needed to protect the rights and welfare of workers in supply chains in Myanmar and ensure a strong focus on responsible business conduct. He condemned the failure of the military regime to cooperate with the Commission, noting that it had instead tasked a steering committee with retaliating against organizations that it alleged were using the ILO to put pressure on the regime and had named the CTUM in that regard.
- 591.** The initial response of the military regime to the report was extremely disappointing. Any further response provided would be given careful consideration. The Commission of Inquiry had addressed its recommendations to the military regime for immediate action; if that action did not take place, his Government urged the Governing Body to consider recommending to the International Labour Conference that measures should be taken under article 33 of the ILO Constitution at the earliest possible date. He expressed support for the people of Myanmar and their realization of aspirations for decent work and a return to an inclusive and democratic path with full respect for human rights. He supported the amended draft decision proposed by the Workers' group.
- 592. A Government representative of China** said that, while he welcomed the report provided by the Office, some parts of it appeared to have been influenced by politically biased information from anti-Myanmar individuals or organizations. His Government wished to draw attention to the response provided by the Ministry of Labour of Myanmar, which had expressed its commitment to evaluating the recommendations and providing a response to the report of the Commission of Inquiry within three months of receipt. Myanmar had consistently fulfilled its obligations under Conventions Nos 87 and 29, including by signing a memorandum of understanding in 2002. Recognition was also due for the Government's efforts to mediate disputes between employers and workers through the National Complaints Mechanism. The Governing Body must uphold the principle of non-interference in the sovereignty and internal affairs of Member States. He strongly urged the ILO to enhance communication with Myanmar and to seek consensus and make constructive decisions that safeguarded the legitimate rights and interests of workers and employers in the country. He noted that Myanmar had not made any response to the recommendations of the Commission of Inquiry and consequently the time was not ripe for some parts of the proposed amendments to the draft decision. He therefore supported the original draft decision.
- 593. A Government representative of Japan** expressed deep concern about the further extension of the state of emergency by the Myanmar military without positive steps on political progress, such as the release of all detainees, including Aung San Suu Kyi. His Government strongly urged the Myanmar military to immediately stop the violence, release all detainees and restore the democratic political system. He commended the efforts of the ILO and the Commission of Inquiry to prepare the report despite a lack of full cooperation from the Myanmar military. He

called on Myanmar to fully abide by Conventions Nos 87 and 29. His Government supported the draft decision, as originally drafted and as amended by the Workers' group.

- 594. A Government representative of the Russian Federation** noted that the report by the Commission of Inquiry showed signs of politicization, since it contained distorted information from individuals or organizations that were opposed to the authorities. It also ignored the successful work of the National Complaints Mechanism, which had resolved a number of disputes since its establishment. Despite the impact of unlawful unilateral sanctions against Myanmar, the authorities continued efforts to implement its obligations under the ILO Conventions, including on the eradication of child labour and overcoming the consequences of the COVID-19 pandemic.
- 595.** It was noteworthy that the authorities of Myanmar were not present in the room to defend themselves against unfounded claims. Such a practice undermined the principle of tripartism that was the foundation of the ILO. In that context, the harsher amended draft decision proposed by the Workers' group was categorically unacceptable, particularly the reference in proposed subparagraph (e) to measures under the ILO Constitution, which he understood implied further sanctions. His Government, like many others, had frequently indicated the unacceptability of such measures and their threat to the authority of the Organization. He called on delegates not to support the amended draft decision proposed by the Workers' group. In a spirit of compromise, he was ready to support the original draft decision.
- 596. The Worker spokesperson** noted that many States had expressed support for the amended draft decision proposed by his group.
- 597. The Employer spokesperson** said that only a few governments had expressed their views. Her group had a strong preference for the draft decision as proposed by the Office, since it was concise and focused on the essentials. The decisions and acts of the Governing Body should remain within the mandate of the ILO: ILO Conventions and the world of work. She requested clarification of the added value provided by the amended draft decision proposed by the Workers' group.
- 598. The Worker spokesperson** noted that, taking into account the fact that two statements had been made on behalf of groups of countries, quite a sizeable number of governments had expressed their opinion. The report had underscored the occurrence of extremely serious violations of Conventions Nos 87 and 29. When the authorities concerned put in writing their intention to retaliate against the largest national trade union confederation – which had been represented at the Governing Body as a deputy member – it fell within the ILO's mandate to respond, as in the amended draft decision proposed by his group. It was unacceptable to threaten anyone who participated in the functions of the ILO, including a Commission of Inquiry, with grave retaliation.
- 599.** Subparagraph (b) of the proposed amendment to the draft decision was warranted as it highlighted the serious nature of the violations; union members were facing arrest, torture, rape, exile and death. Proposed subparagraphs (c) and (d) had been drafted because, although he hoped for better, it seemed unlikely that the military regime would provide a robust response to the Commission's report, given its response to the inquiry process and its initial wholesale rejection of that report. Proposed subparagraph (e) was intended to ensure that the Governing Body was in a position to tackle the matter quickly in the event that the military neither accepted the Commission's recommendations nor put forward a plan to promptly implement them in full. It was not clear to him how any of the proposed subparagraphs of the amended draft decision were outside the mandate of the Governing Body.

- 600. The Employer spokesperson** said that since there was a reference to the report in the original draft decision, the amendment proposed by the Workers' group did not add value. Its call for immediate respect for international humanitarian and human and labour rights law, while laudable, was not the object of the Commission of Inquiry. The draft decision as proposed by the Office would avoid legal problems related to the recognition or non-recognition of the authorities, which might even give the military regime a pretext to reject the recommendations. It was important to hear from Governing Body members on the issue. Effort should be made to engage with the authorities in Myanmar, regardless of their legal status.
- 601. The Worker spokesperson** recalled that his group had withdrawn its proposed amendment regarding recognition. He failed to understand the objections of the Employers' group, since it sought the same objective as his own. If the matter was not included in the agenda of the Governing Body in March 2024, a discussion could not be organized in time for the International Labour Conference to take a decision at its 2024 session. Given that there was no sign that the acts committed and documented in the report would cease, time was of the essence.
- 602. The Employer spokesperson** said that it was not necessary to include a matter in a draft decision in order for it to be included on the Governing Body's agenda. The Office should explain whether the military authorities of Myanmar had been invited to share their views with the Governing Body; effort should be made to engage with them if they were expected to make changes.
- 603. A representative of the Director-General** (Director, International Labour Standards Department) said the Office was abiding by the decision of the Credentials Committee of the International Labour Conference, which had aligned itself with the decision taken by the Credentials Committee of the United Nations General Assembly not to recognize the military authorities as representatives of Myanmar. Accordingly, no invitation had been extended to them. A follow-up to the Commission of Inquiry would be included on the agenda of the Governing Body's session in March 2024.
- 604. The Employer spokesperson** said that the fact that the military authorities had not been invited to participate in the session and that the matter would be placed on the Governing Body's agenda in March 2024 in any case reinforced her group's view that the formulation drafted by the Office should be retained.
- 605. The Worker spokesperson** disagreed that the military authorities should not be urged to act because they had not been invited to participate in the session. It would be important for the Office to confirm that a discussion on invoking article 33 of the ILO Constitution would take place at the Governing Body's March 2024 session; that might not happen without his group's proposed amendment. He did not accept that retaliation against trade unionists, including Governing Body members, fell outside the Governing Body's mandate.
- 606. The representative of the Director-General** (Director, International Labour Standards Department) explained that the report for discussion in March 2024 would contain information received from the military authorities and updated information on events in the country and the operations of the Liaison Officer. What would not be included, unless specified in the decision, would be possible further measures to secure compliance.
- 607. The Worker spokesperson** noted that his group's proposed subparagraph (d) appeared superfluous in the light of the information provided by the Office. Instead, a more specific

reference could be made to the agenda of the 350th Session, inviting the Director-General to prepare a report on possible further measures.

608. Speaking on behalf of Australia, Canada, New Zealand, Switzerland and the United Kingdom, a Government representative of Australia, while recalling that his group had cautioned against pre-empting the military regime's response, nevertheless expressed support for subparagraph (e) as proposed by the Workers' group.

609. The Worker spokesperson said that reference should be made to the item on the agenda of the 350th Session in subparagraph (e) as proposed by his group.

(The Governing Body resumed consideration of the item following consultations.)

610. The Employer spokesperson said that the Workers' group had agreed to delete subparagraphs (c) and (d) from its proposed amendment, and the Employer's group would accept subparagraph (b). Subparagraph (e) would be relabelled and reworded, replacing "the agenda item decided in (c)," with "a discussion at the upcoming 350th Governing Body session in March". Additionally, she proposed inserting "options for" between "including" and "possible" in the second line.

611. The Worker spokesperson expressed agreement with that subamendment and requested clarification of the documents that would be prepared by the Office.

612. The representative of the Director-General (Director, International Labour Standards Department) said that the report requested in the amended draft decision would incorporate the report normally considered by the Governing Body at its March session, entitled "Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions".

613. The Director-General said that although the military authorities could not participate in the proceedings of the Governing Body since the Office had heeded the stance of the Credentials Committee, the importance of the issue meant that the ILO made all possible effort on the ground to keep communication lines open so as to make progress, with the ILO offices in Yangon, Bangkok and Geneva involved in managing the situation carefully. International actors' engagement with the de facto authorities had been the subject of criticism in some quarters.

Decision

614. The Governing Body:

- (a) **took note of the report of the Commission of Inquiry established in accordance with article 26 of the Constitution concerning non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), as well as of the reply from the military authorities;**
- (b) **urged the military authorities to desist from any and all acts of retaliation against any individual or organization which provided information to the Commission of Inquiry;**
- (c) **in preparation for a discussion at the upcoming 350th Session of the Governing Body (March 2024), invited the Director-General to prepare a report including options for possible further measures, including those foreseen in the ILO Constitution, to secure compliance by Myanmar with the recommendations of the Commission of Inquiry in the event the military authorities do not accept the recommendations of**

the Commission of Inquiry and do not commit to implement them fully and promptly.

(GB.349/INS/14, paragraph 8, as amended by the Governing Body)

15. Developments in the application of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.349/INS/15)

615. The Governing Body had before it an amended version of the draft decision, which had been proposed by the Government of the Russian Federation, seconded by the Government of China and circulated by the Office. The proposal was to amend subparagraphs (b), (c) and (g) to read:

...

(b) reiterated its most profound concern at the ~~continuing aggression by the Russian Federation, aided by the Belarusian Government, against situation in~~ Ukraine and at the impact that this aggression situation is having on the tripartite constituents – workers, employers and the democratically elected Government – in Ukraine, and on the world of work beyond Ukraine;

(c) urged ~~the Russian Federation against all parties to the conflict~~ to immediately ~~and unconditionally~~ cease its aggression and ~~withdraw its troops from Ukraine~~ armed activities;

...

(g) requested the Director-General to continue to monitor the impact on the world of work of the ~~Russian Federation's aggression against situation in~~ Ukraine and to report to the Governing Body at its 350th Session (March 2024) on developments in the light of the resolution, including the ILO's continued engagement with the relevant United Nations bodies involved in monitoring human rights violations and the situation of maritime and nuclear workers.

616. A Government representative of the Russian Federation said that the document and the draft decision prepared by the Office touched on political topics that went beyond the mandate of the Governing Body and of the ILO. The same could be said for those prepared for discussion at previous sessions; therefore, his Government did not recognize the previous decisions made by the Governing Body on the item. Furthermore, the document relied solely on information from Ukrainian sources and Western non-governmental organizations, and as such was biased. He categorized the accusations levelled against his Government – including the claim that workers in the territories under occupation were being forced to join Russian trade unions – as absurd. His Government met all obligations under the Conventions it had ratified, including those mentioned in the draft decision. The amendments he had proposed to the draft decision would negate the efforts to politicize the issue. If they were not accepted, he would be compelled to request that the draft decision should be put to a vote.

617. The Employer spokesperson reaffirmed her group's commitment to mobilize support for all victims of the war. She commended the Office's continued efforts to respond to constituents' needs in Ukraine and to mobilize additional resources for that purpose. She noted with satisfaction the ongoing engagement between the Office and Ukrainian tripartite representatives, including the visit to Ukraine in October 2023 of the newly appointed Regional Director for Europe and Central Asia. The Office's documents, on which the Governing Body based its policy decisions, should present verified facts, not allegations. She noted the impact of the war on employment and enterprises, and said that the Federation of Employers of

Ukraine had expressed concern regarding the serious problems facing the Ukrainian economy. She further noted that enterprises at both the domestic and the multinational levels were resuming their investments in Ukraine and that the ILO's support to employers' organizations was bearing fruit. Fostering business continuity and strengthening the capacity of independent and representative employers' and workers' organizations in Ukraine would be crucial to its reconstruction, and would require a review of domestic labour legislation. She noted that the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia in Moscow (DWT/CO-Moscow) continued to provide technical assistance to constituents in the region, and welcomed the progress made towards establishing a Country Office for Ukraine and the Office's emphasis on its duty of care. She recognized that the Office was providing the best support it could in changing circumstances to meet the most urgent needs of constituents and foster employment-rich growth. She supported the draft decision as originally drafted.

- 618. The Worker spokesperson** reiterated her group's call for peace and a withdrawal of Russian troops from Ukrainian territory. She applauded the work done to integrate Ukrainian refugees into host labour markets. The impact of the war on the Ukrainian labour market had been devastating, and it would be impossible to make progress if the security situation did not improve. In that respect, she condemned attacks on critical civilian infrastructure. She supported efforts to relaunch the Black Sea Grain Initiative to ensure stable food supplies for affected countries. She welcomed the Office's efforts to support the Government of Ukraine and stressed that such assistance should be extended to the social partners. She called for support from development partners to address the increase in the number of persons with disabilities as a result of the war, welcoming the "business and disability" platform being developed by the Confederation of Employers of Ukraine.
- 619.** During the recovery phase, it is vital that labour shortages should not lead to the undercutting of wages and working conditions of local workers. Investment and reconstruction plans should address skills shortages and protect migrant workers' rights. She welcomed the efforts by the Governments of Belgium and Switzerland and by the EU to contribute resources to Ukraine's recovery and reiterated that the social partners from Ukraine and the EU should be consulted on reform and reconstruction plans. She called for greater ILO involvement in international donor conferences on recovery and reconstruction and higher level representation from the Office, noting that it was regrettable that the social partners had not been invited to participate in the Ukraine Recovery Conference, held in London in June 2023. She requested more information about the ILO's engagement with the World Bank to ensure coherence in relation to policy guidance on the social insurance and pension reforms and about the safeguards that would be put in place in that context to protect labour standards.
- 620.** Trade unions in Ukraine were facing unprecedented challenges, including decreasing membership, financial distress and the destruction, damage or lack of access to property. Significant support would be required from international partners, including the ILO, to re-establish the function of Ukrainian trade unions after the war. Her group was alarmed by the reports of violations of human and trade union rights in occupied areas – the situation at the Zaporizhzhia nuclear power plant was of particular concern – and called on the Office to conduct further investigations in that regard. The Russian Government's decision to declare the International Transport Workers' Federation as an "undesirable organization" was a blatant violation of freedom of association, forcing affiliated trade unions to withdraw their membership and leaving thousands of seafarers without trade union protection or services. The decision should be revoked as a matter of urgency.

- 621.** The Ukrainian Government should continue to work with the ILO and the social partners to address its failure to comply with international labour standards in national labour and martial law and to pay wage arrears. She expressed the hope that the planned ILO Country Office in Kyiv would help in that regard. Her group welcomed the fact that ILO specialists previously based in Moscow had been able to work from the premises of the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest (DWT/CO-Budapest).
- 622.** Her group agreed with the proposed areas for further action and supported the draft decision as proposed by the Office. It did not support the amendments proposed by the Russian Federation.
- 623. Speaking on behalf of a cross-regional group of countries,**² a Government representative of Italy called on the Government of the Russian Federation immediately and unconditionally to cease its war of aggression and withdraw from within Ukraine's internationally recognized borders. The impact of the war on the world of work was devastating, and he encouraged the Office to continue reporting on its impact on economic, social and labour market conditions. He called on the Government of the Russian Federation to respect international humanitarian law and to cease attacks on civilian targets. He expressed concern regarding workers' lack of labour rights, including freedom of association, in occupied areas, as well as the allegations of forced labour, violence and unsafe working conditions. The Office must continue to document such allegations. The Russian Government's ongoing disregard for its obligations under the Maritime Labour Convention, 2006, as amended, and the designation of the International Transport Workers' Federation as an "undesirable organization" were also of concern.
- 624.** He welcomed the progress towards establishing an ILO Country Office in Kyiv and commended the ongoing support provided by ILO staff in Ukraine. The ILO should continue to collaborate with development partners and donors to support Ukraine's recovery. He commended the social partners for their ongoing contributions to assist displaced persons and respond to the increasing numbers of persons with disabilities. The Office should continue to support the integration of vulnerable groups in the labour market, to tackle the worsening employment situation in Ukraine. He welcomed the information provided on the impact that the war was having on the Republic of Moldova and requested that similarly detailed information on other affected countries in the region be provided in the Office's next report to the Governing Body. He commended the Republic of Moldova for its immediate and ongoing support to Ukrainian refugees, despite facing challenges of its own. He questioned whether it was appropriate and feasible to retain the DWT/CO-Moscow, given that the actions of the host country were incompatible with the purpose and principles of the ILO and that most staff from that Office were currently working from the ILO premises in Budapest. His group supported the draft decision and rejected the amendments proposed by the Russian Federation.
- 625. Speaking on behalf of the EU and its Member States,** a Government representative of Spain said that Albania, North Macedonia, Montenegro, Ukraine, Georgia, Iceland and Norway aligned themselves with her statement. Her group also aligned itself with the statement made on behalf of the cross-regional group. The illegal, unprovoked and unjustified Russian war of aggression against Ukraine was a gross violation of international law and entirely incompatible

² Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and United States.

with the values and principles of the ILO. She reiterated the EU's unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders and its inherent right to self-defence.

626. She commended the ILO for its continued work to support Ukraine on labour-related issues amid the challenges posed by the Russian Federation's war of aggression and the trade unions and employers' organizations in Ukraine for their resolve to remain operational and provide help to their members and the wider population. She welcomed the return of ILO staff to Kyiv and the progress made towards establishing an ILO Country Office. Appreciative of the detailed information provided on the ILO's cooperation with the Republic of Moldova, she looked forward to similar reports on the situation in other affected countries.
627. She expressed concern about the severe impact of the war on the Ukrainian economy and labour market, including significant job losses and a sharp decline in gross domestic product. The substantial increase in the number of persons with disabilities, largely due to the war of aggression, presented a significant additional challenge. She strongly condemned the deliberate destruction of the dam at the Kakhovka hydroelectric power plant, which had led to the loss of tens of thousands of jobs and was deeply concerned about the elevated risk of a nuclear accident resulting from the Russian occupation of the Zaporizhzhia nuclear power plant.
628. Concerned about the welfare of seafarers stranded by the Russian war of aggression, she appreciated the ILO's efforts to address the situation in cooperation with the International Maritime Organization, the Government of Ukraine and the social partners. She also appreciated the ILO's collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on labour rights in Ukraine and encouraged continued cooperation with the United Nations Human Rights Monitoring Mission in Ukraine to investigate violations.
629. Given the Russian Federation's ongoing violation of the ILO Constitution and its commitments as an ILO Member State, she questioned the appropriateness of the continued presence of the ILO in Moscow. Noting that that office premises were leased directly from the Ministry of Foreign Affairs of the Russian Federation and that the lease would expire at the end of 2023, she wished to know whether that lease might be renewed and, if so, for how long. She would also be interested to know the results of a cost-benefit analysis of the continued ILO presence in Moscow that took into account the office's diminished occupancy rate.
630. She supported the draft decision and rejected the amendment proposed by the Russian Federation.
631. **A Government representative of China** said that the humanitarian situation in Ukraine remained a matter of concern. He took note of the ILO's efforts to ensure the continued performance by staff of their duties and keep the DWT/CO-Moscow operational. The ILO must continue its efforts to protect the rights and interests of all workers and employers affected by the conflict within the scope of its mandate and alleviate the severe negative impact of the conflict on labour-related issues.
632. Issues such as sovereignty, territorial integrity and armed conflict were beyond the mandate of the ILO and its Governing Body. Some elements of the draft decision had a clear political bias. He therefore supported the amendment proposed by the Government of the Russian Federation.
633. **A Government representative of Cuba** reiterated his Government's opposition to attempts to politicize the work of the ILO. The work of the Organization, regarding the matter in question or any other matter, should fall within its mandate, and the Organization should refrain from

politicizing its work. The promotion of labour rights and trade union freedoms, the promotion of opportunities for decent work, social protection and dialogue on matters in the world of work in general, should continue to be the focus of work. His Government did not support attempts to use the ILO to increase tensions and confrontation.

- 634. A Government representative of Ukraine**, authorized to speak in accordance with article 1.8.3 of the Standing Orders, said that the present agenda item should be included on the agenda of future sessions of the Governing Body until such time as the resolution and decisions adopted by the Governing Body on the subject had been fully implemented. The document presented some of the damaging consequences of the Russian armed aggression for Ukraine and the world of work. She urged the Office to continue to document violations and their consequences and to clearly identify those responsible. A country demonstrating contempt for the ILO and its mission to promote peace through social justice by waging a war of aggression against another ILO Member State, deliberately committing violations and abuses and preventing the realization of labour rights, did not deserve the privilege of hosting an ILO office.
- 635. A Government representative of the Russian Federation** said that, in view of the limited acceptance of the amendment proposed by his Government, he felt compelled to call for a vote.
- 636. A Government representative of China** seconded the motion put forward by the Russian Federation to put the proposed amendment to a vote.
- 637. A representative of the Director-General** (Assistant Director-General and Regional Director for Europe and Central Asia) said, in response to a question asked by the Worker spokesperson, that the Office would begin to focus more on safeguards in its future conversations with the World Bank, particularly in view of the move towards Ukraine's recovery and reconstruction. She took note of the encouragement given to the Office to continue to collaborate with the United Nations Human Rights Monitoring Mission and to facilitate exchanges between the social partners, including Ukrainian trade unions, and the monitoring team of the OHCHR. She expressed that to establish further clarity on workers' rights violations, it would be desirable for the monitoring teams to have access to temporarily occupied territories. Regarding the lease of the office premises in Moscow, she said that the Office's intention was to maintain flexibility so as to be able to make changes in line with its operational needs. It was exploring the possibility of moving to the United Nations House in Moscow in the future.
- 638. The Chairperson** observed that the majority of Governing Body members seemed to be in favour of the draft decision as drafted by the Office.
- 639. A Government representative of the Russian Federation** said that, as there was a lack of consensus, a vote should be held on the amendment proposed by his Government.
- 640. The Chairperson**, having consulted with the other Officers of the Governing Body, said that the amendment proposed by the Russian Federation could be put to a vote by a show of hands.
- 641. The Worker spokesperson** expressed her regret that the Governing Body was, not for the first time, being called on to vote in a situation where it was clear what the outcome would be. Such situations should be avoided in future.

(The amendments proposed by the Russian Federation were rejected with 2 votes in favour, 41 votes against and 11 abstentions.)

Decision

642. In the light of the developments in Ukraine outlined in document GB.349/INS/15 and the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO), adopted at its 344th Session (March 2022), and taking into account the discussions held and the guidance provided during its 349th Session, the Governing Body:

- (a) noted the information provided in the document;
- (b) reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact that this aggression is having on the tripartite constituents – workers, employers and the democratically elected Government – in Ukraine, and on the world of work beyond Ukraine;
- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine;
- (d) urged once again the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care; the Radiation Protection Convention, 1960 (No. 115), in relation to the exposure of workers to ionizing radiations in the course of their work; and the Forced Labour Convention, 1930 (No. 29), and its accompanying Protocol of 2014;
- (e) reiterated its unwavering support for the tripartite constituents in Ukraine, requested the Director-General to continue to respond to the constituents' needs in Ukraine and to expand the ILO's resource mobilization efforts, including in forthcoming international donor conferences on recovery and reconstruction, and welcomed the update on the establishment of an ILO Country Office for Ukraine in Kyiv;
- (f) requested the Director-General to continue to enhance resource mobilization efforts for other affected countries across Eastern Europe and Central Asia;
- (g) requested the Director-General to continue to monitor the impact on the world of work of the Russian Federation's aggression against Ukraine and to report to the Governing Body at its 350th Session (March 2024) on developments in the light of the resolution, including the ILO's continued engagement with the relevant United Nations bodies involved in monitoring human rights violations and the situation of maritime and nuclear workers.

(GB.349/INS/15, paragraph 48)

16. 404th Report of the Committee on Freedom of Association (GB.349/INS/16)

643. The Chairperson of the Committee on Freedom of Association said that, at its October–November 2023 session, the Committee had examined 18 active cases on their merits, 5 of which had been closed. He was appreciative of the efforts made by governments to provide their observations in a timely manner. He drew the attention of the Governments of Belarus, Hong Kong (China), the Republic of Korea, Pakistan and the Bolivarian Republic of Venezuela

to the urgent appeal issued by the Committee for their respective observations with a deadline of 8 January 2024. Information received after the deadline would not be considered by the Committee in the absence of compelling circumstances. The Committee had examined eight cases in which governments had kept it informed of the measures taken to give effect to its recommendations. Five of those cases had been closed. The Committee welcomed the establishment of a court dedicated to hearing cases on disobedience to comply with reinstatement orders in Guatemala and the recognition of the status of the Korean Teachers and Education Workers Union following a Supreme Court ruling in the Republic of Korea.

- 644. He drew attention to two serious and urgent cases. With regard to the first case (No. 3184), he expressed concern that the facts indicated a systemic problem impacting freedom of association in China, with numerous workers having been arrested, disappeared or intimidated. The Government had consistently failed to provide the detailed information requested by the Committee. The Committee had once again invited the Government to accept a direct contacts mission to allow it to better understand the situation on the ground and address outstanding issues.
- 645. Regarding the second case (No. 3395), he deplored the lack of information on progress made in the investigation into the murder of a trade union official in El Salvador in 2020. The Committee had once again urged the Government to take all necessary steps to ensure that the competent authorities prioritized the investigation and made the requisite effort to identify and punish the instigators and perpetrators of the murder without delay, taking into account relevant elements arising from the victim's trade union activities. The Committee had further urged the Government to keep it informed of any progress in relation to the initiative to reform the Criminal Code to provide effective remedies for trade unionists against violent crimes and to ensure that members of the victim's trade union were protected from harm owing to their participation in union activities.
- 646. The Committee welcomed the effort made by the Government of Cambodia to come before it in light of the seriousness of the matters raised in Case No. 2318. The Committee had continued to examine its working methods with a view to making them more transparent, and he hoped to report back on the matter at the Governing Body's next session. He expressed appreciation to those who had contributed to the work of the Committee, including the Member States, Committee members and the Office.
- 647. **The Employer Vice-Chairperson of the Committee** recalled that the purpose of the Committee on Freedom of Association was to engage in constructive tripartite dialogue to promote freedom of association, rather than to blame or punish governments. By failing to provide information, governments forced the Committee to rely solely on the information provided by complainants, prolonged cases and frustrated satisfactory problem-solving. Member States were obliged to respect, promote and realize freedom of association in good faith.
- 648. The Committee continued to hold the view that its work should relate strictly to matters raised in complaints. By way of example, he drew attention to two cases – No. 3422, concerning South Africa, and No. 3432, concerning the United Kingdom – in which it had focused on promoting in-country social dialogue. The Committee had been created to address specific allegations of failure to protect freedom of association, even in countries that had not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It undertook its task to find tripartite resolutions to specific allegations of a country's failure to uphold the principles of freedom of association and effective recognition of the right of collective

bargaining as laid down in the relevant Conventions. It was not a judicial or legal body and did not create new principles or develop authoritative interpretations of existing ones. The Committee must remain attentive to the facts and circumstances before it and seek guidance in the work that had preceded, while remaining faithful to the mandate established by the Governing Body more than 70 years previously.

- 649. The Worker Vice-Chairperson of the Committee** said that she wished to highlight cases in which the Committee had provided guidance related to the public sector. With regard to the case concerning Argentina, which involved education workers, the Committee had recalled that voluntary, independent conciliation and arbitration in industrial disputes did not amount to an infringement of freedom of association provided that it did not, in practice, prevent a strike. In the case concerning Pakistan, the Committee had emphasized that all public servants had the right to establish and join organizations of their own choosing, without prior authorization. In the case concerning the Republic of Korea, the Committee had highlighted that management instructions that affected government departments' resources would likely have a bearing on decisions about pay and working conditions.
- 650.** As for the more serious case in Togo, in which a union leader had been assassinated, the Committee had asked the Government to supply information to allow for a full investigation. In another case, the Committee had urged the UK Government to ensure that collective agreements could be enforced in law, renewed its request for the Government to protect solidarity strikes and asked the Government to engage with the social partners. It noted that compensation for anti-union dismissals must be sufficient to discourage them.
- 651.** Emphasizing that the absence of civil liberties removed all meaning from the concept of trade union rights, she drew attention to the Committee's consideration of urgent Cases No. 3184, concerning China, and No. 3395, concerning El Salvador, and its follow-up to Case No. 2566, concerning the Islamic Republic of Iran. Although little progress had been made in relation to Case No. 3424, concerning Cambodia, she hoped that the meeting with the Government regarding serious and urgent Case No. 2318 would lead to positive action. She expressed her appreciation to the Government members of the Committee for preparing a paper to inform the ongoing discussions on the Committee's mandate and methods of work. The discussions would continue with a view to reaching consensus.
- 652. Speaking on behalf of the Government members of the Committee**, which consisted of members appointed by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from Namibia encouraged the governments concerned in the Committee's definitive reports to pay close attention to its conclusions and recommendations and act accordingly. Closed cases could also provide guidance to the governments concerned. She drew the Governing Body's attention to two serious and urgent cases: Case No. 3184, concerning China, and Case No. 3395, concerning El Salvador. She expressed appreciation for the willingness of the Government of Cambodia to meet with the Committee to discuss Case No. 2318.
- 653.** The Committee was taking steps to improve its efficiency and transparency to ensure that the tripartite constituents understood their responsibilities in formulating conclusions and decisions. In that regard, it was vital that the terminology used by the Committee accurately reflected the principles of freedom of association and collective bargaining as set out in the Declaration of Philadelphia, the 1970 resolution concerning trade union rights and their relation to civil liberties, and the relevant ILO Conventions.
- 654. Speaking on behalf of GRULAC**, a Government representative of Mexico said that her group's discussions with the Chairperson of the Committee had afforded it a better understanding of

the work of the Committee and an opportunity to relay its concerns. She noted with satisfaction the closure of four cases from her region and welcomed the report's explanations of the terminology used by the Committee. She highlighted efforts by governments in her region to communicate their observations within the prescribed deadlines and to cooperate with the supervisory bodies, and she called on the ILO to provide technical assistance to constituents who requested it.

- 655.** Although the number of cases from her region remained high, the governments concerned continued to endeavour to resolve complaints through social dialogue, as illustrated by the withdrawal of some complaints. GRULAC encouraged the Committee to continue to adhere rigorously to its methods of work and comply with its mandate, which would allow it to improve its process for determining the admissibility of complaints.
- 656. A Government representative of China** said that freedom of association was among the rights granted to civilians by the Constitution and laws of China. The exercise of those rights should comply with national laws and should not jeopardize national security, social order, public interest or the legitimate interests of other civilians, in line with Convention No. 87. The persons to which Case No. 3184 related had not been investigated or sanctioned owing to their trade union activities, but because they had violated public security legislation. The courts and public security authorities had followed legal procedures strictly, and the rights of the persons concerned had been fully guaranteed during trials. The Government had cooperated with the Committee in its review of the Case, which he requested be closed as soon as possible.
- 657. A Government representative of Cuba** said that his Government was committed to continuing to interact respectfully with the ILO supervisory bodies and investigated all allegations seriously. Nonetheless, responding to 26 allegations in three years was extremely challenging. His Government rejected the complainants' strategy, which was designed to occupy the Committee's time, and reiterated its rejection of the false allegations on which Case No. 3271 was founded. The complainants, who were driven by political interests rather than labour rights, were backed by foreign powers with the objective of giving a false impression of the reality in Cuba with regard to trade union rights and freedom of association. The complainants aimed to legitimize their mercenary actions and efforts to bring about regime change through the manipulation of international mechanisms. Regrettably, the Committee had recommended the recognition of an organization that did not represent workers or their interests. His Government rejected the recommendations of the Committee that sought to legitimize the complainants, although it intended to respond to the recommendations in the interests of respectful dialogue and cooperation. He requested that the Case be closed since its political nature meant it fell outside the Committee's mandate.
- 658. A Government representative of the United Kingdom** said that his Government had taken careful note of the recommendations of the Committee and would provide information on related developments in due course.

Decision

- 659. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–83, and adopted the recommendations made in paragraphs: 120 (Case No. 3422: South Africa); 145 (Case No. 3192: Argentina); 184 (Case No. 3232: Argentina); 207 (Case No. 3424: Cambodia); 224 (Case No. 3184: China); 251 (Case No. 3208: Colombia); 290 (Case No. 3271: Cuba); 336 (Case No. 3161: El Salvador); 349 (Case No. 3395: El Salvador); 361 (Case No. 3437: Ecuador); 400 (Case No. 3403: Guinea); 428 (Case No. 3368: Honduras); 473 (Case No. 3370: Pakistan); 535 (Case No. 3359: Peru); 584 (Case No. 3373: Peru); 609 (Case No. 3433: Republic of Korea); 651 (Case No. 3432: United Kingdom of**

Great Britain and Northern Ireland); 698 (Case No. 3427: Togo) and adopted the 404th Report of its Committee on Freedom of Association as a whole.

(GB.349/INS/16)

17. Report of the Board of the International Training Centre of the ILO: 87th Session of the Board (26–27 October 2023) (GB.349/INS/17)

- 660. The Employer spokesperson** commended the achievements of the International Training Centre of the ILO (Turin Centre) during the reporting period, noting that the Centre's outreach reflected its strong impact on the market. She highlighted the importance of active participation and the need for strategies to enhance learner retention. She appreciated the consultative approach of the Turin Centre's management during the drafting of the Centre's Programme and Budget proposals for 2024–25, and supported the Centre's aims to expand its services, enhance its impact, diversify its portfolio and increase the proportion of advisory services and advocacy campaigns. It was crucial to meet the needs of the ILO's constituents and to assess the impact of the Centre's training offer and other services at the individual and organizational levels. There was significant potential for growth in the Arab States region, where the Turin Centre's initiatives could be extensively promoted by leveraging the capacities of the ILO Regional Office for the Arab States and the members of the Governing Body.
- 661.** Noting that the Turin Centre must pursue a varied funding mix, she said that she welcomed the growth in funding agreements and the search for financing through tenders and partnerships. The inclusion of employers and workers in the design, assessment and implementation of projects was vital; the social partners should be key beneficiaries of development projects, and balanced tripartite collaboration was essential to prevent an imbalance towards government or single-stakeholder initiatives.
- 662.** She supported efforts to enhance staff empowerment through quality learning, took note of the introduction of the new performance management system and encouraged the development of career pathways for the Centre's staff. She welcomed the appointment of the new Director of the Centre, assuring him of her group's unwavering support during the transition, and expressed her gratitude to the Centre's staff, in particular those attached to the Programme for Employers' Activities.
- 663. The Worker spokesperson** expressed thanks to the Director-General and the Deputy Director-General, who had chaired the 87th Session of the Board of the Turin Centre, and congratulated the new Director of the Centre on his appointment. She also expressed gratitude to the Government of Italy for its support for and partnership with the ILO. While she recognized the benefits of diversifying the Turin Centre's portfolio, a balance must be struck between training and non-training services so as not to dilute the Centre's core expertise in providing affordable and accessible capacity-building to all constituents. While she acknowledged the critical importance of boosting the Centre's financial capacity, she could not support any move to turn the Centre into a profit-oriented institution. She cautioned against any unintended consequences of providing services to external partners, which might limit workers' participation at the Centre.
- 664.** The surplus at the end of 2022 should not, in itself, be regarded as a marker of success and it should be reinvested to promote access to and improve training. The provision of training was a key tool for realizing the ILO's mandate for social justice and she hoped that subsequent reports would show improvements in respect of activities linked to international labour standards. The Centre should improve its efforts to measure participants' knowledge

acquisition and the impact of training and non-training activities on organizational systems. Although she recognized the benefits of digital learning, she emphasized the importance of face-to-face training for the Centre's functioning. The Centre should be provided with adequate funding, and context and circumstances should be taken into consideration when allocating resources. The ILO should redouble its efforts to ensure a level playing field for all constituents and deliver on its mandate to protect workers' rights and achieve social justice. While she welcomed the increase in the number of beneficiaries who actively engaged in the Centre's communication activities and took part in large-scale conferences, steps should be taken to ensure that the quality of training was not undermined.

- 665. Speaking on behalf of the Government group of the Board of the Turin Centre**, a Government representative of Nigeria said that the results for the biennium 2022–23 had been very encouraging. In the future, data should be provided on participants disaggregated by region and constituent group. He commended the Turin Centre for consolidating its position as a learning hub on decent work topics for ILO and UN staff and for increasing its profile as a provider of innovative digital learning and collaboration solutions. He expressed concern, however, about the low share of government officials among the core constituents benefiting from the Centre's services and called for the Centre to provide a subsidized programme to ensure a gender and regional balance, which might require a needs assessment within the available budgetary provision. The impressive results recorded by the Centre in the first nine months of 2023 was confirmation of the management's commitment and validated the Centre's business model. He hoped that the Centre would meet or surpass its performance targets. His group would continue to support the implementation of the Centre's Strategic Plan for 2022–25 and its Programme and Budget for 2024–25, especially with regard to the digital transformation with due consideration being given to face-to-face learning.
- 666. Speaking on behalf of the Africa group**, a Government representative of Uganda said that the impressive results achieved by the Turin Centre and its revenue growth were testament to its prudent management and operational efficiency. He thanked the Centre's management and staff for ensuring steady and sustainable growth despite the challenges posed by the COVID-19 pandemic. He was pleased that the number of participants in face-to-face programmes was growing once again, especially given that many constituents lacked adequate access to the necessary digital infrastructure for remote programmes. In that vein, he emphasized the need for increased support in the form of scholarships and fee reductions. He urged the Centre to review its curricula to better serve constituents where digital support for virtual programmes was lacking, and to enhance collaboration with regional training centres to make programmes more accessible and inclusive. He expressed his thanks to the Centre's funding partners and to the Government of Italy for its support, and endorsed the Centre's efforts to attract more funding.
- 667. Speaking on behalf of IMEC**, a Government representative of the United States said that it was encouraging to note that the Turin Centre was gradually rebuilding its face-to-face training activities after the shifts that had taken place during the COVID-19 pandemic, while also expanding online enrolment. He welcomed the Centre's efforts to achieve a financially sustainable business model and to increase the number of funding agreements. He suggested that the Programmes for Employers' and Workers' Activities should be integrated into the funding process, and encouraged the Centre to continue seeking an appropriate mix of in-person and virtual learning options and to ensure that the Centre's training courses remained inclusive and accessible. He applauded the Centre's commitment to the United Nations Environment Programme's Greening the Blue initiative and to maintaining its accreditation as a Green Campus. He encouraged the Centre to continue its efforts to achieve full gender parity

among course participants. He would be interested in learning more about the status of diversity and inclusion among the Centre's staff, and he encouraged the Centre to prioritize gender equality, regional balance and diversity during recruitment processes.

- 668.** He welcomed the Centre's alignment with the ILO's mission to promote decent work and social justice and called for further integration of the Centre within the UN system, since it was an effective way of sharing ILO values and leveraging its expertise. He commended the Centre for its resilience during the COVID-19 pandemic, and hoped to see the Centre play a larger role in the work of the ILO.
- 669. A Government representative of France** said that she welcomed the results achieved by the Turin Centre, the resilience it had shown in the face of the COVID-19 pandemic and the opening of the Innovation Lab. She encouraged the Centre to continue its efforts to position itself as a champion of training innovation and congratulated the new Director on his appointment.
- 670. A Government representative of Cameroon** said that the Innovation Lab and the renovation of the campus would help increase the ILO's influence around the world. The Centre should leverage its digital capabilities to build constituents' capacities in respect of social justice and decent work. She invited the Centre's management to increase inclusion and the diversity of participants based on geographically disaggregated data and to increase the number of Government representatives who required additional training on labour inspection in view of the digital revolution. The Centre should strengthen cooperation with regional labour training centres. She called for more fellowships for participants from developing countries.
- 671. A representative of the Director-General** (Director of the Turin Centre) said that he had taken note of the comments made. He welcomed the adoption by the Board of the Turin Centre of the Centre's Programme and Budget proposals for 2024–25 and thanked the Government of Italy for its unwavering support to the Centre. Over the coming biennium, the Centre's activities would be firmly anchored in its Strategic Plan for 2022–25. The Centre would focus on pursuing its positive trajectory, including in respect of its sustainability strategy, and on consolidating the outcomes already achieved. It would continue to build up its portfolio of face-to-face training activities, with priority being given to training for the tripartite constituents based on ILO values and standards. While efforts would be made to expand activities at the regional level, face-to-face training activities on campus would remain the cornerstone of the Turin Centre's activities. The Centre's programme of activities for 2024–25 would reflect the priorities of the ILO's programme and budget for the biennium. He thanked all the staff of the Centre for their work and commitment and paid tribute the Deputy Director of the Centre, Mr Giuseppe Casale, for his long career with the ILO and at the Centre.

(The Governing Body took note of the report of the 87th Session of the Board of the International Training Centre of the ILO.)

18. Report of the Director-General: Regular report (GB.349/INS/18)

- 672. The Employer spokesperson** conveyed her condolences to the families and friends of the former members of the Governing Body who had recently passed away. She congratulated the ILO colleagues who had been appointed to senior roles and looked forward to working with them. They were expected to contribute to the work of the Organization in a highly professional, impartial and fair way to all constituents. She concurred wholeheartedly with the decisions taken by the Director-General as outlined in his report and supported the draft decision.

- 673. A Worker member from Kenya** paid tribute to Ms Rabiadou Sérah Diallo, who had been an icon of the trade union movement and had defended the interests of workers with passion and determination. She had been the first African woman to head a national trade union, the National Confederation of Workers of Guinea. She had played a historic role in advocating for peace and democracy and, in 2007, had led a major strike that had set in motion the transition to democracy in Guinea. He offered sincere condolences to Ms Diallo's family, Guinean workers and members of the African trade union movement.
- 674. The Worker spokesperson** paid tribute to Mr Simon Crean, who had been a respected and beloved leader of the Australian union movement and a great believer in, and advocate for, fairness and justice for working people. From 1986 to 1990, he had represented Australian unions in the Governing Body. He had been generous and supportive to the younger generation of trade unionists and all those who sought his advice. As leader of the Australian Labor Party, he had strongly opposed the Iraq War, and had made a lasting impact on the wages, entitlements, safety and retirement conditions of working people. On behalf of the Workers' group, she expressed her sincere condolences to Mr Crean's family.
- 675.** She welcomed the high number of ratifications of international labour Conventions, including Rwanda's recent ratification of the Violence and Harassment Convention, 2019 (No. 190). She also welcomed the declarations by Sri Lanka and Ethiopia, both of which had raised the minimum age of employment. She recalled that the Minimum Age Convention, 1973 (No. 138), envisaged the possibility for developing countries to set the minimum age at 14, but that was intended as a transitional measure to allow countries time to strengthen their education systems and economies. She encouraged all countries with a minimum age of 14 to increase it, with ILO technical assistance. It was regrettable that there had been no new ratifications of the 1986 Instrument for the Amendment of the ILO Constitution, and she called on all countries of chief industrial importance to ratify it as soon as possible. She congratulated the newly appointed ILO directors and wished them every success in their important work. She supported the draft decision.
- 676. Speaking on behalf of the Africa group,** a Government representative of Morocco said that the Africa group had been deeply saddened to learn of the passing of Ms Rabiadou Sérah Diallo. He expressed his sincere condolences to Ms Diallo's family, her colleagues in Guinea and the Workers' group, and paid tribute to her unwavering commitment to African women and workers. He also expressed his deep condolences to Australia and the Workers' group following the passing of Mr Simon Crean. Lastly, he lamented the fact that there had been no further ratifications of the 1986 Amendment to the ILO Constitution, which all members of the Africa group had ratified, and congratulated the newly appointed directors.
- 677. A Government representative of Australia** said that Mr Simon Crean had given a lifetime of service to his nation and its labour movement, which he represented at the Governing Body and at the International Labour Conference. His distinguished parliamentary career included working as a cabinet minister in numerous governments and leading the Australian Labor Party in opposition. He had always acted with principle and determination, had strongly believed in tripartism and had been committed to raising labour standards around the world. She thanked the Office and Governing Body members for their warm remarks and extended her sincere condolences to Mr Crean's family and friends.

Decision

678. The Governing Body:

- (a) took note of the information contained in document GB.349/INS/18 regarding the membership of the Organization, progress in international labour legislation and internal administration;
- (b) paid tribute to the memory of Mr Simon Crean and invited the Director-General to convey its condolences to the family of Mr Crean, to the Australian Council of Trade Unions (ACTU), the International Trade Union Confederation (ITUC) and the Government of Australia;
- (c) paid tribute to the memory of Ms Rabiadou Sérah Diallo and invited the Director-General to convey its condolences to the family of Ms Sérah Diallo, to the National Confederation of Workers of Guinea (CNTG), the International Trade Union Confederation (ITUC) and the Government of Guinea.

(GB.349/INS/18, paragraph 17)

18.1. First Supplementary Report: Follow-up to Governing Body decisions (GB.349/INS/18/1)

Decision

- 679. The Governing Body** requested the Office to prepare, for its 352nd Session (October–November 2024), a supplementary report on the follow-up to the decisions adopted since November 2022.

(GB.349/INS/18/1, paragraph 5)

18.2. Second Supplementary Report: Appointment of the Deputy Director-General (GB.349/INS/18/2)

- 680. The Chairperson** announced the appointment of Ms Celeste Drake as Deputy Director-General with effect from 14 August 2023.
- 681. The Deputy Director-General** said that it was an honour to have been selected for the position. She was committed to achieving the vision of a world with social justice and decent work for all by working within the multilateral system and with Member States and social partners. The mandate of the ILO had never been more relevant; it was essential to build a prosperous future for all, regardless of their role in the global economy. The tripartite structure of the Organization meant that it was well placed to act as a catalyst for global coordination to tackle the multiple interrelated challenges before it, including efforts to achieve a just transition to a sustainable and resilient economy. Social dialogue and the promotion of fundamental principles and rights at work would lead to lasting commitments and consensus.

Decision

- 682. The Governing Body** took note of this appointment made by the Director-General after having duly consulted the Officers of the Governing Body and invited Ms Celeste Drake

to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.349/INS/18/2, paragraph 4)

(Ms Drake made and signed the declaration of loyalty.)

18.3. Third Supplementary Report: Appointment of three Regional Directors (GB.349/INS/18/3)

683. The Chairperson announced the appointment of Ms Beate Andrees as Assistant Director-General and Regional Director for Europe and Central Asia, Ms Fanfan Rwanyindo Kayirangwa as Assistant Director-General and Regional Director for Africa and Ms Ana Virginia Moreira Gomes as Assistant Director-General and Regional Director for Latin America and the Caribbean. Ms Moreira Gomes would take up her post in January 2024 and make and sign the prescribed declaration of loyalty before the 350th Session of the Governing Body.

684. Speaking on behalf of the Government group, a Government representative of Namibia, **the Worker Vice-Chairperson, the Employer Vice-Chairperson** and, **speaking on behalf of the Africa group**, a Government representative of Morocco congratulated the Deputy Director-General and the Assistant Directors-General on their respective appointments.

Decision

685. The Governing Body took note of these three appointments made by the Director-General after having duly consulted the Officers of the Governing Body and invited Ms Beate Andrees and Ms Fanfan Rwanyindo Kayirangwa to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.349/INS/18/3, paragraph 4)

(Ms Andrees and Ms Rwanyindo Kayirangwa made and signed the declaration of loyalty.)

18.4. Fourth Supplementary Report: Documents submitted for information only (GB.349/INS/18/4)

Decision

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

- Approved symposia, seminars, workshops and similar meetings (GB.349/INS/INF/1);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.349/INS/INF/2);
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.349/INS/INF/3);
- Follow-up to the Fifth Global Conference on the Elimination of Child Labour in Durban (GB.349/POL/INF/1);
- Agreements concluded with other international organizations (GB.349/LILS/INF/1);
- Voluntary contributions and gifts (GB.349/PFA/INF/1);

- **Update on the headquarters building renovation project (GB.349/PFA/INF/2);**
- **Update on the premises for the ILO Regional Office for Africa and Country Office for Côte d'Ivoire, Benin, Burkina Faso, Mali, Niger and Togo in Abidjan (GB.349/PFA/INF/3).**

(GB.349/INS/18/4, paragraph 3)

18.5. Fifth Supplementary Report: Arrangements for the 349th *bis* and 349th *ter* Special Sessions of the Governing Body (GB.349/INS/18/5 and GB.349/INS/18/5(Rev.1))

- 687. The Chairperson** invited the members of the Governing Body to indicate in their statements whether they supported the first option of the draft decision, of holding the morning sittings of each special session as a Committee of the Whole, or the second option, of conducting both special sessions as normal sittings of the Governing Body.
- 688. The Employer Vice-Chairperson** thanked the Government of Switzerland for having proposed the format of the Committee of the Whole in order to make the discussion inclusive and representative, which her group considered absolutely necessary. However, the time frame should be flexible, as half a day might be insufficient to allow all governments that wished to speak to take the floor. As the decision on a referral to the ICJ could be incompatible with the decision on a Protocol to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Employers' group proposed that the Governing Body should meet as a Committee of the Whole for the entire day for both special sessions to ensure full transparency and representativeness. The proposed time limits for non-members of the Governing Body, a maximum of two statements of two minutes each, were sufficient. The afternoon sitting of each special session should not exceed normal working hours; if the discussions did not reach a conclusion by the end of normal working hours on 11 November 2023, they should be continued at the next Governing Body session, in March 2024. In any event, the Committee of the Whole format could not replace a discussion and decision by the International Labour Conference. As Convention No. 87 was a fundamental Convention, the outcome of any decision on the interpretation dispute would affect all ILO constituents, including employers and workers who would not participate in the Committee of the Whole. It was therefore crucial for the sound, democratic governance of the Organization that the final decision on whether to refer the issue of the right to strike to the ICJ should be taken by the Conference, not the Governing Body.
- 689.** The Employers' group could support the first option of the draft decision, provided that the following changes were made to paragraph 4 of document GB.349/INS/18/5: "During the morning sitting (10.30 a.m. to 1.00 p.m.)" should be replaced with "During the morning and afternoon sittings"; "In the afternoon (3.30 p.m. to 6.30 p.m.)" should be replaced with "At the end of each session"; and the last sentence, "The afternoon sitting may be extended into the evening, if necessary", should be deleted. The words "as amended" should then be inserted in the draft decision, after the reference to "paragraph 4 of GB.349/INS/18/5".
- 690. The Worker Vice-Chairperson** sought clarification from the Office on whether amendments could be proposed to the body of the document, as opposed to the draft decision.
- 691. A representative of the Director-General** (Legal Adviser) clarified that amendments could be proposed to the draft decision only. For any possible changes to be made to the document itself, for instance on the proposed modalities set out in paragraph 4, the Office would need

to issue a revised version for the Governing Body's consideration the following day. The draft decision could then be adopted without the words "as amended".

- 692. The Worker Vice-Chairperson** noted that, as the Committee of the Whole format affected the participation of Governments and not Employers and Workers, she would reserve her position on it until the Government members had spoken. As to the remaining issues, she recalled as background that, in July 2023, the Workers' group had sent a letter requesting an urgent discussion and decision on a referral to the ICJ of the issue of the right to strike, and had requested the Office to prepare a background report and seek the views of all Member States to ensure that the process was inclusive. The group was therefore in favour of inclusivity. However, limited numbers of contributions had been received from governments and employers' organizations. The group doubted the need to convene a Committee of the Whole, as the Governing Body had received the mandate to refer matters of interpretation of international labour standards to the ICJ in 1949. While improvements were still possible to the democratic composition of the Governing Body, it was already much more democratic than it had been 100 or 50 years ago. The Employers' group's proposal to hold both special sessions entirely in the Committee of the Whole format was intended to prevent any decision-making and the Workers' group was strongly opposed to it. As to the time frame, the Workers' group supported decent working hours; however, as two special sessions had now been organized, and given the urgency of the decisions to be taken, the possibility of having extended sittings should not be ruled out in advance.
- 693. Speaking on behalf of GRULAC**, a Government representative of Mexico restated the group's support for inclusive discussions in all areas of the ILO, without undermining the decision-making capacity of the Governing Body. On that understanding, GRULAC agreed to applying the Committee of the Whole format for the morning sittings of both special sessions. As appropriate time management was important, the group proposed that the speaking time limits of individual Governments for both members and non-members of the Governing Body should be harmonized to be one statement of three minutes, rather than two statements of two minutes each. GRULAC supported the proposal to convene a Committee of the Whole in the morning sitting, followed by an afternoon sitting with an oral report by the Chairperson to the Governing Body and a discussion and decision on the item on the agenda of each special session. Subject to the change it had proposed, GRULAC could support the first option of the draft decision.
- 694. Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran said that, considering the importance of inclusiveness and the broad impact of the decisions on all Member States of the ILO, her group supported the format of a Committee of the Whole, as an exceptional practice. She encouraged participants to exercise effective time management. The oral report by the Chairperson on the exchange of views should be considered at the sitting of the Governing Body in the afternoon, to ensure inclusiveness in decision-making on such crucial issues. A majority of ASPAG supported the proposal for the International Labour Conference to make a decision at its 2024 session on both a potential referral to the ICJ and standard-setting, to ensure that all views were considered.
- 695. Speaking on behalf of the Africa group**, a Government representative of Algeria stated that her group supported the decision to convene a Committee of the Whole in the mornings of the special sessions. That option was provided for in the Standing Orders of the Governing Body, and would ensure inclusivity and transparency, and therefore the credibility of the process. Member States who so wished should be involved in the discussion to make for greater diversity in opinions and perspectives, leading to more balanced decisions on a very important issue for all Member States, especially for those who had ratified Convention No. 87 but were

not members of the Governing Body and could not otherwise participate in decision-making. Accordingly, the Africa group supported the first option of the draft decision.

- 696. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Serbia, Georgia, Iceland, Norway and Armenia aligned themselves with his statement. He recalled that on 14 July 2023, the EU and its Member States and Iceland and Norway had sent the Director-General a letter requesting that, as a matter of utmost importance, an item be placed on the agenda of the Governing Body on the referral to the ICJ of the dispute regarding the interpretation of Convention No. 87 in relation to the right to strike and indicating that legal clarity was urgently required after more than a decade of failed attempts to find a solution. He commended the Office for its impartial and transparent management of the process, and the inclusive approach of providing all constituents with an opportunity to submit written comments. Given the shortage of time available for the special sessions, the EU and its Member States supported the second option of the draft decision, of holding the sessions as normal sittings under the Standing Orders of the Governing Body. They did not support the proposed amendments of the Employers' group.
- 697. A Government representative of Bangladesh** noted that as long as the 1986 Instrument for the Amendment of the ILO Constitution was not in force, the Governing Body could not be considered to be truly representative of ILO Member States. As any interpretation or standard-setting concerning Convention No. 87 would have an impact on all ILO Member States, all Governments should participate actively in the discussions to reach a consensus-based, tripartite decision. He supported the convening of both special sessions as a Committee of the Whole.
- 698. A Government representative of Switzerland**, who had been authorized to speak by the Officers of the Governing Body in accordance with paragraph 1.8.3 of the Standing Orders, said that as Convention No. 87 was a fundamental Convention and therefore binding on all ILO Member States, all governments – or at least all which had ratified the Convention – could be invited to participate in the proceedings before the ICJ. Accordingly, all Member States should be actively involved in discussions on whether to refer the issue to the ICJ and, if so, the question to be put to the Court, and also on whether to include a standard-setting item on the agenda of a session of the International Labour Conference. Written submissions were insufficient. His Government therefore supported the first option, of convening a Committee of the Whole, which had been proposed by the Office at the March 2023 session of the Governing Body. Those arrangements would ensure that the discussions were inclusive and representative, while enabling the available time to be managed appropriately. The Government of Switzerland had been advocating for greater democracy within the Governing Body for many years. The number of ILO Member States had increased significantly since 1949, when the Governing Body had received the mandate to submit requests to the ICJ for advisory opinions. It therefore seemed appropriate that that authority should now be returned to the Conference.
- 699. The Worker Vice-Chairperson** cautioned against using the argument of democratization in the context of the current discussion. The Workers' group fully supported the democratization of the Governing Body and the abolition of the status of countries of chief industrial importance. However, the arguments were unconvincing in relation to the question of who should discuss a possible referral to the ICJ. The Conference had given the Governing Body a mandate in 1949, which remained in force and which formed the legal basis for the potential referral to the ICJ. There was no need to have the decision of the Governing Body discussed or validated by the Conference; indeed, that would provide an opportunity for constituents to

lobby against the Governing Body's decision. Nor would a Conference discussion be more inclusive. Governing Body members were representatives, who participated in group meetings so as to represent the views of the groups before the Governing Body. There was no reason why the Governing Body should be incapable of taking a decision on the items to be discussed at the special sessions on the basis of its formal mandate, which it should be trusted to exercise responsibly. Although the Workers' group did not support convening a Committee of the Whole, it could agree to it, given that many, though not all, Governments favoured it to allow for broader contributions. However, as a Committee of the Whole would increase the number of Governments that could participate, but not the number of representatives of the social partners, it would not necessarily be more democratic. There was also a risk that much time would be devoted to repeated positions. Moreover, as only ten Governments had submitted comments in writing, there might be limited interest in participating among Governments that were not members of the Governing Body. In that case, the Chairperson should have the discretion to assess the situation, with the help of the Office, in the 24 hours prior to the start of each special session and to shorten the Committee of the Whole to allow the Governing Body more time for decision-making. In any event, the Committee of the Whole should not extend beyond the morning sitting. The suggestion made by the representative of GRULAC to allow Governments to make one statement not exceeding three minutes would be helpful, but the group could also accept the approach of two two-minute statements. The Workers' group could accept the first option of the draft decision.

- 700. The Employer Vice-Chairperson** stated that responsible decisions were those which strengthened the ILO as a tripartite organization of social dialogue, which was why the Employers' group had advocated for a tripartite and inclusive discussion of the item at a session of the International Labour Conference. No discussion on the substance of the matter had ever taken place at the Conference, nor had the 2015 meeting of experts on the right to strike, where participation was very limited, discussed the substance. The Government group of that meeting of experts had adopted a statement, supported by the social partners, that they were ready to undertake inclusive discussions on the substance, but those discussions had never taken place. Hence, the only responsible decision would be to discuss the substance of the matter through social dialogue at the Conference.
- 701.** As to the special sessions, strict time management for all speakers was important, provided that all Governments wishing to speak during the Committee of the Whole were allowed to do so. However, her group's position was not dogmatic; the sitting could be longer or shorter than planned, and the reference to 10.30 a.m. to 1 p.m. could be removed from paragraph 4 of the document to allow for more flexibility.
- 702. The Worker Vice-Chairperson** noted that the most important principle was that there would be a Committee of the Whole at the morning sitting of each special session. If there were many speakers, they would have shorter speaking times and if there were fewer speakers, they could have more time. In any event, the Committee of the Whole would end by 1 p.m. to allow the Governing Body, as the only decision-making organ for the issues at hand, to hold its sitting. The remaining issues raised by the Employers' group would be discussed at the special sessions.
- 703. The Chairperson** observed that there was convergence on convening a Committee of the Whole. If necessary, the speaking times could be adjusted depending on the number of speakers. It was also important to leave sufficient time for the preparation of the oral report before each Governing Body sitting in the afternoon.

- 704. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that Albania, North Macedonia, Montenegro, Iceland, Norway and Armenia aligned themselves with the statement. While they originally supported the holding of a normal session of the Governing Body, with a view to achieving consensus the EU and its Member States could support the option of convening a Committee of the Whole in the morning sittings. They also supported the proposal of the representative of GRULAC to allow all individual Governments to make one statement of up to three minutes.
- 705. The Worker Vice-Chairperson** sought clarification on whether the proposal made by GRULAC to have one statement of three minutes could be adopted.
- 706. The Employer Vice-Chairperson** said that, on the understanding that all Governments wishing to speak would be allowed to do so, a decision on the time limits for individual governments did not yet need to be made.
- 707. Speaking on behalf of GRULAC**, a Government representative of Mexico clarified that, as it had been unclear which Governments would have the opportunity to speak twice, her group had suggested a harmonized limit of one statement of three minutes for all member and non-member Governments, which should allow sufficient time for everyone to participate in the Committee of the Whole.
- 708. The Employer Vice-Chairperson** agreed that, during the meetings of the Committee of the Whole, no distinction should be made between Governing Body members and non-members. However, further consideration should be given to the number and duration of their statements.
- 709. The Director-General** noted that Governments who were not members of the Governing Body needed to be informed of the arrangements for the Committee of the Whole, therefore a prompt decision was required. A degree of flexibility was needed with regard to time limits. Given that the overall timings would depend on the number of speakers in a given sitting, the Chairperson should have the discretion to reduce the time limits, if required; however, a minimum of two minutes would be necessary. In that respect, three minutes in total could be more appropriate than two statements of two minutes. Unless the Governing Body decided that the sitting must end at 1 p.m., it could be extended slightly beyond that time, without jeopardizing the normal sitting of the Governing Body in the afternoon.
- 710. The Worker Vice-Chairperson** said that, as a Committee of the Whole would allow more Governments to participate but not additional Employers' and Workers' groups, the speaking times were a matter for the Government representatives to decide. She agreed that the Chairperson should be given the flexibility to arrange the morning sitting to allow all participants to contribute; the main concern for the Workers' group was that nothing should jeopardize the smooth running of the normal Governing Body sitting in the afternoon.
- 711. A Government representative of India** agreed that all Member States should be given equal time to speak during the meetings of the Committee of the Whole, whether they were Governing Body members or not, but was flexible on the exact time limits. Governments should avoid repetition in their statements; allocating one speaking slot to each would allow the sitting to finish on time.
- 712. The Chairperson** observed that there was clear support for harmonizing the time limits for members and non-members of the Governing Body during the meetings of the Committee of the Whole, and proposed that one statement of three minutes would be preferable to two statements of two minutes, which would be four minutes for each Government. The

Chairperson would be allowed some flexibility in reducing the time limits if necessary. He asked whether the Governing Body was ready to reach agreement on the draft decision.

- 713. A representative of the Director-General** (Legal Adviser) recalled that, before the draft decision could be adopted, it was first necessary to change paragraph 4 of document GB.349/INS/18/5 to reflect the wishes of the Governing Body on the number of interventions, speaking times and the additional flexibility. The Office would make the change and circulate a revised version of the document.
- 714. The Employer Vice-Chairperson** agreed that paragraph 4 should be amended to reflect the Governing Body's discussion. It should provide for flexibility on the timings and remove the distinction between Governing Body members and non-members.
- 715. The Worker Vice-Chairperson** said that once the revised version of the document had been published, the Governing Body could easily approve the draft decision. She emphasized, however, that the afternoon sitting must remain a normal sitting of the Governing Body.
- 716. The Chairperson** noted that the Office had prepared a revised version of the document, in which paragraph 4 had been amended to reflect the consensus on the practical arrangements for the two special sessions and to specify that the Chairperson could make adjustments as necessary. He invited the Governing Body to adopt the draft decision.
- 717. The Employer Vice-Chairperson** recalled that her group had made three proposals, namely: to extend the Committee of the Whole into the afternoon sitting to allow all Governments that wished to take the floor to do so; to allow Governments to make two statements of no more than two minutes; and to set a time limit for the afternoon sitting of 8 p.m. to ensure decent working conditions. However, the revised version of the document did not take those proposals into account. It did not provide for an extension of the Committee of the Whole and stated that, at each afternoon sitting, the Governing Body should conclude the discussion and take a decision on the agenda item, which was not what had been agreed. She insisted that the full Conference should make the final decision on whether to refer the matter of the right to strike to the ICJ, given the impact of the issue on all constituents. The lack of compromise and openness from the Office to consider the Employers' group's concerns had not resulted in a balanced and constructive document, and had set an unhelpful tone for the difficult discussions to come during the special sessions. The problem could have been avoided if the Office had enabled the screening group to discuss the practical arrangements prior to the present session of the Governing Body. The Employers' group could not accept the arrangements as reflected in paragraph 4 of the revised version of the document and wished to continue the discussion in order to reach consensus.
- 718. The Worker Vice-Chairperson** said that the draft decision – to which no amendments had been proposed – should have been adopted when the matter was first discussed. As had been made clear in the discussion on the Programme and Budget for 2024–25 at previous sessions, the Governing Body could not make amendments to the Office document. The revised version issued by the Office was a fair attempt to reflect the discussion that had taken place, notably the agreement that the Chairperson, in consultation with the Vice-Chairpersons, would enjoy a degree of flexibility on arrangements for the morning sittings. Her group had stated clearly that such flexibility could not extend to arranging an entire day of the Committee of the Whole; it was extremely important that the afternoon sittings should be normal sittings of the Governing Body.
- 719.** The objection to the wording in paragraph 4 on the need to conclude the discussion and take a decision on the agenda item was misplaced, as the Office had explained that, however a

special session was conducted, it had to result in a decision. The wording did not prejudice the outcome of the special sessions in any way. Furthermore, convening a Committee of the Whole required a decision by the Governing Body to do so; if the Employers' group did not agree on the arrangements for it, the Governing Body could not decide to convene a Committee of the Whole and the special sessions would therefore have to be held as normal sittings of the Governing Body. The Workers' group would not agree to anything other than the arrangements reflected in the revised version of the document.

- 720. The Employer Vice-Chairperson** clarified that her position was that the wording of the last bullet point under paragraph 4 of the revised document was very open, whereas her group had stated clearly that it must not mean that a vote would be taken in order to conclude the discussion. There was no reference in the revised version of the document to ending the meeting at a reasonable time or to the flexibility for the Chairperson to accommodate requests for the floor, including in the event that Governments wished to speak a second time. The arrangements related not only to the format of the Committee of the Whole, but to the entirety of the special sessions. She asked to hear the views of the Chairperson, including on whether he wished to have such flexibility on time management, and whether a commitment could be made to ensure that the special sessions finished at a reasonable time.
- 721. The Worker Vice-Chairperson** emphasized that she had stated clearly that the flexibility on time management was limited by the need to hold both a Committee of the Whole and a normal sitting of the Governing Body. Moreover, it was for the Governing Body, under the leadership of the Chairperson, to determine whether to make a decision or hold a vote. The Workers' group was certainly very much in favour of decent working hours, but the discussions might become difficult and would require time; limiting that time in advance was seemingly an attempt to prevent any decision from being made.
- 722. The Chairperson** observed that the Governing Body had previously appeared to be close to reaching consensus. The Office had reflected the elements discussed in the revised document. He suggested that, while the document might not be perfect in the view of the Employers' group, the wording reflected the agreements reached on how the special sessions should be run. Moreover, it was the Chairperson's prerogative to make decisions concerning time management.
- 723. The Director-General** emphasized that to accommodate the desires to hold both a Committee of the Whole and a normal sitting of the Governing Body, flexibility was required on the speaking times and on the timing of the afternoon sitting. The Chairperson needed the flexibility to reduce or extend speaking times in order to accommodate the number of requests for the floor, and the start time for the normal sitting of the Governing Body would depend on when the Committee of the Whole finished, and would need to take into account the time required to prepare the oral report. The afternoon sitting was therefore likely to be an extended sitting by default. Furthermore, the reference in the document to a decision did not state which kind of decision would be made. It was nevertheless necessary to have an outcome of each special session.
- 724. The Employer Vice-Chairperson** noted that it was not usual to state that a meeting had to conclude a discussion, since the decision made could be to continue the discussion. Her group read the phrase "to conclude the discussion and take a decision on the agenda item" as an intention to force a vote, and it was therefore not neutral wording. If that phrase were deleted, and agreement reached that any extension of the normal sitting into the evening would be within reasonable time limits, her group stood ready to accept the draft decision.

- 725. The Worker Vice-Chairperson** reiterated that the changes proposed by the Employers' group constituted amendments to a part of the document that was not open to amendments. A decision to continue a discussion was clearly also a decision; if the Governing Body were to refer the matter to the Conference – as desired by the Employers' group – that would also require a decision to be made. The issue of whether there would be enough time for Governments that wished to take the floor was indeed an area of concern, particularly since many Governments had stated their interest in holding the debate urgently, in November. Since the request to place the item on the agenda of the ordinary session of the Governing Body as a matter of urgency had not been granted, the Workers' group had requested a special session to discuss the matter and make a decision. She cautioned against becoming mired in issues of wording.
- 726. The Employer Vice-Chairperson** replied that the request to add an item to the agenda of the ordinary session of the Governing Body had not been submitted to the screening group, which would have had time to determine the arrangements. The current wording on the arrangements for the special sessions did not contemplate the possibility of a decision to continue the discussion. A conclusion of a discussion could not be forced. The rules applicable to the Governing Body obliged the Chairperson to seek consensus, which normally meant at least two normal sessions at which to discuss controversial issues without undue pressure. The Employers' group objected to the wording on the conclusion of the meeting, which pre-empted a scenario requiring a vote.
- 727. Speaking on behalf of the EU and its Member States**, the Government representative of Spain recalled that his group's strong preference had originally been for the special sessions to be conducted as normal sessions of the Governing Body, but it had agreed to a Committee of the Whole in the morning in the interest of consensus. The Governing Body had endeavoured to fine-tune the aspects set out in paragraph 4 of the document, and the consensus reached had been reflected in the revised version. He urged the Governing Body to adopt the decision.
- 728. A Government representative of Namibia** decried the absence of trust among participants. The Governing Body had to be given a fair opportunity to discuss the important substantive matters of a potential referral to the ICJ and potential standard-setting. She implored members to find a way to enable it to discuss those matters.
- 729. The Chairperson** expressed the view that, although there needed to be an outcome of the special sessions, the reference in the document to a decision in no way pre-empted what that decision would be.
- 730. The Employer Vice-Chairperson** sought assurances from the Chairperson that he would be flexible on speaking times, that there would be an inclusive discussion, that the substance would be discussed, that he would seek consensus and that, if no consensus was reached, the Governing Body could decide to continue the discussion.
- 731. The Worker Vice-Chairperson** observed that it was inappropriate to seek such guarantees from the Chairperson. It would be difficult to reach consensus on the complex matters at hand, but the Chairperson would endeavour to achieve it. Any member was entitled to request a vote, even if there was a clear majority, but the Governing Body had never been forced to hold a vote. She sought clarification as to whether the absence of a decision by the Governing Body on the arrangements for the Committee of the Whole would mean that the meeting must take the form of a normal Governing Body session.

- 732. The Chairperson** assured the Governing Body that the meeting would be run fairly and that everyone would be heard. It was impossible to predict in advance precisely how the meeting would unfold, but the discussion would need to be concluded at some point. It would be for the members of the Governing Body to determine, together and on the basis of the discussion, any decision to be taken.
- 733. The Employer Vice-Chairperson** noted that a vote had indeed been forced in the past. In March 2023, a vote was to be taken regarding the referral to the ICJ, against the strongly expressed wishes of the Employers' group and a significant number of Governments, but was ultimately not conducted. She therefore sought assurances that the Chairperson would avoid a repetition of that situation and would seek consensus before any vote was held. Once her group had received such assurances, it could agree to the draft decision.
- 734. A representative of the Director-General** (Legal Adviser), responding to the Worker Vice-Chairperson's question, recalled that as per standard practice, the new draft decision included in the revised version of the document had to be either adopted or modified, as the Governing Body deemed appropriate. He added that a decision on the specific practical arrangements was required, as the Director-General needed to inform all Member States of those specific modalities in advance of the special sessions. He explained that the Office had prepared a revised version of the document to reflect the discussion. The flexibility clause allowing the Chairperson to make any necessary adjustments, in consultation with the Vice-Chairpersons, applied to both the morning and afternoon sittings, and thus covered the possibility of extending the Committee of the Whole to the beginning of the afternoon sitting as well as any adjustments to speaking times. The Office had considered that, in the light of the flexibility provided for, no further textual amendments would be necessary.
- 735. The Worker Vice-Chairperson** said that the document was adequate for managing the arrangements for the special sittings. She reiterated that it was the prerogative of each member of the Governing Body to request a vote. The Workers' group would prefer to avoid a vote, as a decision should be able to be taken where a clear majority was evident.
- 736. The Employer Vice-Chairperson** conceded that, as the Chairperson had provided assurances that he would conduct the meeting fairly, including with respect to speaking times, and would seek consensus and a constructive atmosphere based on trust, her group could accept the draft decision.
- 737. The Chairperson** reiterated that consensus remained the common objective and urged all members of the Governing Body to work towards that goal.

Decision

- 738. The Governing Body approved the arrangements for its 349th *bis* and 349th *ter* (Special Sessions as set out in paragraph 4 of document GB.349/INS/18/5(Rev.1) and requested that those arrangements be promptly brought to the knowledge of all Member States and published on the public web page of the Governing Body.**

(GB.349/INS/18/5(Rev.1), paragraph 5)

18.6. Sixth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Peru of the Equal Remuneration Convention, 1951 (No. 100), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Maternity Protection Convention, 2000 (No. 183 (GB.349/INS/18/6)

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

Decision

739. In the light of the conclusions contained in paragraphs 40–65 above with regard to the matters raised in the representation, the Committee recommends that the Governing Body:

- (a) approve the present report and, in particular, the conclusions formulated in paragraphs 44, 45, 49, 52, 53, 54, 58, 60, 64 and 65; and
- (b) make the report publicly available and close the procedure initiated by the representation.

(GB.349/INS/18/6, paragraph 66)

19. Reports of the Officers of the Governing Body

19.1. First report: Complaint alleging non-observance by Nicaragua 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), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), filed by various delegates at the 111th Session of the International Labour Conference (2023) under article 26 of the ILO Constitution (GB.349/INS/19/1)

740. The Employer spokesperson said that the complaint had been filed owing to the serious nature of the facts and the urgent need to restore the rule of law and freedom of association in Nicaragua. The United Nations High Commissioner for Human Rights had spoken out against the human rights violations occurring in Nicaragua, including the continued restrictions placed by the Government on civic space and individual and collective freedoms, the persecution of persons perceived as opposed to or critical of the Government, the torture of detainees and the expulsion of international bodies mandated to monitor detention conditions. The Higher Council for Private Enterprise (COSEP), the most representative employers' organization of Nicaragua, had experienced numerous violations, confirmed as facts by various international organizations but not recognized by the Government of Nicaragua, which asserted that the rights of its people were respected and the ILO Conventions upheld. The situation in Nicaragua was clearly untenable, to the point that UN experts monitoring the country had stated that crimes against humanity in relation to political

persecution had been being committed since 2018. The Governing Body must take firm action by making use of the mechanisms available and appointing a Commission of Inquiry in accordance with article 26 of the ILO Constitution.

- 741. The Worker spokesperson** recognized the complaint as receivable and expressed support for the draft decision. The Workers' group took the firm and enduring view that all governments must comply with international labour standards, especially those concerning freedom of association and collective bargaining, and emphasized the importance of respect for human rights, the rule of law and civil liberties for meaningful freedom of association.
- 742. A Government representative of Nicaragua** said that his Government rejected as groundless the complaint filed by the Employers' representatives. His Government would reply to the complaint in due course. There were currently much more pressing human rights issues to be addressed on the international stage. He asked why concerns were not being aired instead about those Member States fuelling the conflict in Gaza by supplying weapons that were killing workers and their families. Such international issues were not always dealt with properly, however: the United Nations had not prevented Cuban workers' rights from continuing to be violated. Similarly, the imposition of economic sanctions against Nicaragua would adversely impact the interests of its workers and their families.
- 743.** Workers in Nicaragua were empowered to exercise their right to freedom of association but, as in any other country in the world, anyone breaking the law must be punished. It appeared that nations seeking autonomy and self-determination would, regardless of their actions and merits, be condemned for political reasons. Democracy and the rule of law were being upheld in Nicaragua by workers, patriotic employers and the Government. He reiterated his Government's categorical rejection of the complaint and condemned in the strongest possible terms the genocide of the Palestinian people that was currently taking place.
- 744. A Government representative of Cuba** firmly opposed the consideration by the Governing Body of the present issue and opposed its inclusion on the agenda of the Governing Body at its 350th Session (March 2024). The fact that an officer of the Governing Body could initiate a complaint mechanism represented an undeniable conflict of interest and reflected poorly on the Organization. In addition, Cuba strongly opposed the use of ILO mechanisms as vehicles for political allegations. The Governing Body should not engage with such cases; it should, rather, focus on supporting the millions of unemployed persons without social security around the world, many of them in the developed world.
- 745.** His Government strongly supported the efforts of the Government of Nicaragua to achieve peace, sustainable development, justice and social emancipation and strongly opposed politicization, the imposition of punitive measures, and the misuse of UN bodies and mechanisms to manipulate internal affairs in Nicaragua, destabilize its freely elected Government and tarnish its international image.
- 746.** States' sovereignty and right to self-determination must be respected and mechanisms for cooperation and respectful dialogue should be used properly. Cooperation should always be prioritized over punitive measures.
- 747. A Government representative of the Islamic Republic of Iran** considered that the efforts made by the Government of Nicaragua to adhere to the four Conventions cited in the complaint constituted positive steps towards the achievement of the ILO's goals and the improvement of working conditions for workers. He encouraged the Government of Nicaragua to continue its endeavours to that end, and urged the Office to provide assistance to the Government in accomplishing those objectives.

- 748. A Government representative of China** said that the Governing Body might take careful note of the detailed replies provided by the Government of Nicaragua to communications from the CEACR and the Conference Committee on the Application of Standards. The authority of the information submitted by States as part of ILO mechanisms must be respected lest the creditability of the mechanism itself be undermined. The conclusions of ILO supervisory bodies should take into account a country's individual circumstances, respect its sovereignty and not interfere in its internal affairs. His Government opposed the politicization of ILO mechanisms. As a next step, the Governing Body should strengthen its communication with the Government of Nicaragua, while the Government of Nicaragua might provide further information to the Governing Body. His Government considered it unnecessary to include the present issue on the agenda of the 350th Session of the Governing Body.
- 749. A Government representative of Pakistan** encouraged the Government of Nicaragua to engage with the ILO and extend its cooperation within the ILO's tripartite framework. He supported the draft decision.
- 750. A Government representative of Algeria** emphasized that the Government of Nicaragua was making significant efforts to uphold and apply the Conventions cited in the complaint. It was important to respect commitments to international labour standards, but it was also important to recognize Member States' tangible progress in implementing such standards. He was convinced that the Government of Nicaragua remained strongly committed to upholding the aforementioned Conventions. Continued open dialogue between that Government and the ILO would allow both parties to reach a mutual understanding and resolve outstanding concerns.
- 751. A Government representative of Saudi Arabia** commended the progress made by the Government of Nicaragua and its willingness to cooperate with the ILO to uphold labour standards. She encouraged the Office to allow the Government of Nicaragua more time to present more information about the complaint and to determine a solution.
- 752. A Government representative of the Russian Federation** noted that the Governing Body was not currently considering the substance of the complaint. The matter before the Governing Body was clearly politicized, a phenomenon that, regrettably, was becoming ever more frequent. He considered the complaint to be an attempt to exert pressure on the Government of Nicaragua by making unfounded allegations of violations of the right to freedom of association and arbitrary detention. The ILO supervisory mechanisms did not have the authority to comment on the actions of national law enforcement bodies or courts, much less to demand the release of detainees. His Government viewed such demands as interference in domestic affairs and a serious violation of the Organization's mandate. He expressed the hope that the ILO would consider the complaint carefully, objectively and impartially. His Government did not support the appointment of a Commission of Inquiry.
- 753. Another Government representative of Nicaragua** thanked the Government representatives of Cuba, China, Algeria, the Islamic Republic of Iran, the Russian Federation and Saudi Arabia for their statements, which aligned with her position on how the work of the Governing Body should be conducted. She lamented the politicization of the complaint, which did not reflect the reality on the ground in Nicaragua. Her country would continue to endeavour to build a more just country in line with its laws, Constitution and model of social dialogue.

Decision

754. Taking into account that the conditions established in article 26 of the ILO Constitution had been fulfilled, the Governing Body, on the recommendation of its Officers:

- (a) considered that the complaint was receivable;**
- (b) requested the Director-General to forward the complaint to the Government of Nicaragua, inviting it to communicate its observations on the complaint by 15 January 2024 and to appoint a delegate to participate in the discussions of the Governing Body on this matter, and informing it that the Governing Body planned to examine this matter at its 350th Session (March 2024);**
- (c) included this item on the agenda of its 350th Session (March 2024).**

(GB.349/INS/19/1, paragraph 11, as amended by the Governing Body)

19.2. Second report: Complaint alleging non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), filed by various delegates at the 111th Session of the International Labour Conference (2023) under article 26 of the ILO Constitution (GB.349/INS/19/2)

755. The Worker spokesperson recalled that, at the 111th Session (2023) of the International Labour Conference, she had once again been obliged to raise her group's strong concerns about the continued attacks and killings of trade union activists in Guatemala and about the inaction of the Government to improve the situation. The situation of fundamental trade union rights in Guatemala remained deplorable, even after near constant scrutiny from the ILO supervisory system for many years. In 2018, despite strong objections from her group, the procedure resulting from the first complaint under article 26 of the ILO Constitution, which had been filed in 2012, had been closed, without the issues raised in the complaint having been resolved. Trade unions and their members in Guatemala urgently needed effective action from the ILO to increase pressure on the Government to deliver on its promises. She and other delegates to the Conference had had no choice but to file a new complaint under article 26 and demand the establishment of a Commission of Inquiry. She recalled that the unresolved matters had been outlined by the Worker spokesperson during the discussion of document GB.349/INS/10(Rev.1).

756. She understood that the Government was in a fragile process of transition and that the new administration, which would take office on 14 January 2024, would need a reasonable amount of time to formulate its observations on the complaint. However, any extension to the deadline established in the draft decision for the Government to communicate its observations on the complaint should take into account that the Governing Body would discuss the matter at its 350th Session (March 2024). The Workers' group remained open to holding discussions with the incoming administration on how to address its concerns more effectively. In that regard, her group welcomed the exchanges that it had had with the current administration, facilitated by the Government of Mexico.

757. The Employer spokesperson recalled that the Government of Guatemala had already been subject to an article 26 complaint, which had been closed in 2018 on the understanding that the Governing Body would be kept informed of developments. Although challenges remained,

the Government had demonstrated willingness to implement the road map that had been adopted as part of the follow-up to the complaint and to receive technical assistance from the ILO. The progress that had been made should be recognized, and the ILO should continue working with the incoming administration to ensure that it continued.

- 758.** He expressed serious concerns about the fact that the complaint had been declared receivable. Reopening a complaint set a bad precedent, potentially represented an abuse of the ILO supervisory mechanisms and implied that ILO technical assistance was not effective.
- 759.** As already mentioned, the current Government of Guatemala was coming to the end of its mandate. His group trusted that the incoming administration would continue to step up measures to address the outstanding issues. With the proactive involvement of all its members in good faith, the National Tripartite Committee on Labour Relations and Freedom of Association would be able to continue making progress in implementing the road map. In that regard, he said that greater emphasis should be placed on social dialogue in Guatemala.
- 760.** While his group took note of the report of the Officers of the Governing Body, it regretted the fact that a new article 26 complaint had been filed and did not support the establishment of a new Commission of Inquiry.
- 761. The Worker spokesperson** requested clarification as to whether the Employers' group was questioning the content of the complaint or challenging its receivability.
- 762. The Employer spokesperson** said that, since the Officers of the Governing Body had already determined the receivability of the case according to the established criteria, there was not much his group could do in that regard. It would comment on the substance of the complaint at the 350th Session (March 2024) of the Governing Body.
- 763. A Government representative of Guatemala** (Vice Minister of Labour Administration) said that Guatemala had been closely cooperating with the ILO, the ITUC, the Trade Union Confederation of the Americas (TUCA), the IOE and other allied countries for over ten years, for the purposes of obtaining both financial support and technical assistance. The Government had allocated its own resources in order to ensure that progress was reported to the Governing Body through the annual reports on the implementation of the ILO technical cooperation programme. In the past year, the Government had facilitated a joint visit from the ILO, the ITUC and the IOE to follow up on the road map. The underlying issues were already being discussed by the Committee on Freedom of Association, the CEACR and the Committee on the Application of Standards, the latter of which had, in June 2023, encouraged Guatemala to continue moving in the right direction, with a focus on tripartism.
- 764.** The request for an additional mechanism seemed disproportionate and contradictory, particularly as the Government was working actively to address the issues in question, including through social dialogue. The Government rejected any call to establish a Commission of Inquiry. A new article 26 complaint was not the result that the Government had expected in view of the effort, cooperation, commitment and political will that it had demonstrated to the road map.
- 765.** While reiterating Guatemala's commitment to improving social conditions, working with the Office and with the social partners and other governments, she observed that the new administration was scheduled to take office on 14 January 2024, just one day before the deadline set in the draft decision for the Government to communicate its observations on the complaint. She requested the Governing Body to consider extending the deadline to allow the new administration the opportunity to participate in the process.

- 766. The Director-General** expressed concern that it might not be possible for the Office to issue a document on the item in time for a discussion at the 350th Session (March 2024), taking into account that the new Government would be taking office only on 14 January 2024 and would need time to prepare its observations on the complaint. He therefore asked the Governing Body whether, exceptionally, it would be willing to defer its discussion of the item to its 351st Session (June 2024) instead.
- 767. The Worker spokesperson** said that her group would not object to extending the time frame for observations from the Government – a deadline of April 2024 might be reasonable, for example – and to deferring the discussion of the item until June, if that was feasible. Doing so might allow for more progress to be made. However, the discussion of the item should not be deferred beyond June, given its urgent nature. In that regard, she noted that her group would be working with governments in the region to seek a commitment from the incoming administration that it would deliver on the issues that needed to be addressed.
- 768. The Employer spokesperson** agreed that adhering to the time frame proposed in the draft decision would make it impossible to make any real progress, given the change of administration. He agreed that it would be reasonable to set a deadline in April for the observations from the Government on the complaint. However, as the June session of the Governing Body was a short session that always had a very full agenda, it might be better to postpone the discussion to the 352nd Session (October–November 2024), in order to be able to examine the issues in more detail. In the meantime, informal consultations with the Government could be held to ensure that progress in implementing the road map would continue to be made.
- 769. The Worker spokesperson** reiterated that she was not prepared to postpone the discussion beyond June 2024; the complaint involved the murder of trade unionists and needed to be addressed urgently. She trusted that the outgoing Government would ensure a full handover so that the new administration could submit its observations to the Office by the end of April, so that the item could be included on the agenda of the June session.
- 770. The Employer spokesperson** requested the views of the Office on the issue, noting that the discussion would be complex and could not be rushed.
- 771. A representative of the Director-General** (Director, International Labour Standards Department) confirmed that efforts could be made to accommodate a discussion of the article 26 complaint at the 351st Session (June 2024) of the Governing Body, in view of the exceptional circumstances. If the observations of the Government were received by mid-April, the Office's document on the item could be processed and published on time for everyone to take cognizance of it well ahead of the session.
- 772. The Employer spokesperson** said that, with the Office's assurances that there would be adequate time for the discussion and in the interest of consensus, his group could agree with the proposal to include the item on the agenda of the June session. He reiterated that his group had observations to make on the substance of the complaint.
- 773. A Government representative of Guatemala** (Vice Minister of Labour Administration) thanked the Governing Body for its flexibility and spirit of good faith. Her Government would brief the new administration as soon as its composition was announced, so that it was fully apprised of the issues. She pointed out that the announcement might come later than 14 January and that the new administration would not have very long to prepare the necessary documents. She gave her assurances that the Governing Body would be provided with relevant information about the composition of the new administration as soon as it was available.

Decision

774. Taking into account that the conditions established in article 26 of the ILO Constitution had been fulfilled, the Governing Body, on the recommendation of its Officers:

- (a) considered that the complaint was receivable;
- (b) requested the Director-General to forward the complaint to the Government of Guatemala, inviting it to communicate its observations on the complaint by 20 April 2024;
- (c) included this item on the agenda of its 351st Session (June 2024).

(GB.349/INS/19/2, paragraph 11, as amended by the Governing Body)

19.3. Third report: Closure of two representations under article 24 of the Constitution of the ILO pursuant to a successful conciliation process (GB.349/INS/19/3)

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

Decision

775. The Governing Body, noting that agreements had been reached between the parties concerned following conciliation processes, and on the recommendation of its Officers, decided to close the procedures of the representations alleging non-observance by:

- (a) Slovenia of the Occupational Safety and Health Convention, 1981 (No. 155), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981;
- (b) South Africa of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

(GB.349/INS/19/3, paragraph 3)

19.4. Fourth report: Representation alleging non-observance by Türkiye of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.349/INS/19/4)

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

Decision

776. In the light of the information contained in document GB.349/INS/19/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.349/INS/19/4, paragraph 5)

19.6. Sixth report: Representation alleging non-observance by Chile of the Forced Labour Convention, 1930 (No. 29), the Employment Policy Convention, 1964 (No. 122), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.349/INS/19/6)

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

Decision

- 777. In the light of the information contained in document GB.349/INS/19/6, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.**

(GB.349/INS/19/6, paragraph 5)

19.7. Seventh report: Representation alleging non-observance by Argentina of the Labour Inspection Convention, 1947 (No. 81), the Occupational Cancer Convention, 1974 (No. 139), the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.349/INS/19/7)

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

Decision

- 778. In the light of the information contained in document GB.349/INS/19/7, and taking into consideration the recommendation of its Officers, the Governing Body decided:**

- (a) that the complaint is not receivable in relation to the Protocol of 2002 to the Occupational Safety and Health Convention, 1981;**
- (b) that the complaint is receivable in relation to Conventions Nos 81, 139, 155 and 187 and that it would set up a tripartite committee to examine it.**

(GB.349/INS/19/7, paragraph 5)

19.8 Eighth report: Representation alleging non-observance by Argentina of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), submitted under article 24 of the ILO Constitution by the Industrial Organization of Argentina (UIA) (GB.349/INS/19/8)

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

Decision

- 779.** In the light of the information contained in document GB.349/INS/19/8 and on the recommendation of its Officers, the Governing Body decided that the representation is receivable and, as it relates to Conventions dealing with trade union rights, decided to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the ILO Constitution.

(GB.349/INS/19/8, paragraph 5)

19.9. Ninth report: Representation alleging non-observance by Chile of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 24 of the ILO Constitution by the National Federation of Municipal Workers of Chile (FENTRAMUCH) (GB.349/INS/19/9)

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

Decision

- 780.** In the light of the information contained in document GB.349/INS/19/9, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.349/INS/19/9, paragraph 5)

19.10. Tenth report: Two representations alleging non-observance by Chile 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), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Labour Relations (Public Service) Convention, 1978 (No. 151), submitted under article 24 of the ILO Constitution by the National Association of Officials of the Civil Registry and Identification Service of Chile (ANFURCICH) (GB.349/INS/19/10)

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

Decision

- 781.** In light of the information contained in document GB.349/INS/19/10, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representations were not receivable in respect of Convention No. 111;
- (b) that they were receivable in respect of Conventions Nos 87, 98 and 151, and as they related to Conventions dealing with trade union rights, to transmit the representations 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. Furthermore, given that the two representations made by ANFURCICH contained similar allegations of anti-union actions committed by the Civil Registry and Identification Service of Chile, it was decided that they should be examined together in the framework of a single representation.

(GB.349/INS/19/10, paragraph 6)

19.11. Eleventh report: Representation alleging non-observance by Chile 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), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Labour Relations (Public Service) Convention, 1978 (No. 151), submitted under article 24 of the ILO Constitution by the National Federation of Municipal Workers of Chile (FENTRAMUCH) (GB.349/INS/19/11)

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

Decision

782. In the light of the information contained in document GB.349/INS/19/11, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was not receivable in relation to Convention No. 111;
- (b) that it was receivable in relation to Conventions Nos 87, 98 and 151, and, as it relates to Conventions dealing with trade union rights, to transmit the representation to the Committee on Freedom of Association for examination in accordance with the procedure set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.349/INS/19/11, paragraph 5)

19.12. Twelfth report: Representation alleging non-observance by Chile of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), filed under article 24 of the ILO Constitution by three trade unions of a mining enterprise (the Caletones Workers' Union, the Chuquicamata Workers' Union and the Potrerillos Workers' Union No. 2) and the Single Confederation of Trade Unions (CUT) (GB.349/INS/19/12)

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

Decision

783. In the light of the information contained in document GB.349/INS/19/12 and on the recommendation of its Officers, the Governing Body decided that the representation is receivable in relation to the Freedom of Association and Protection of the Right to

Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and, as it relates to Conventions dealing with trade union rights, decided to refer it to the Committee on Freedom of Association for examination in accordance with the procedures set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.349/INS/19/12, paragraph 5)

19.13. Thirteenth report: Representation alleging non-observance by Chile of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37), made under article 24 of the ILO Constitution by the National Federation of Municipal Workers of Chile (FENTRAMUCH) (GB.349/INS/19/13)

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

Decision

- 784. In light of the information contained in document GB.349/INS/19/13, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and, considering that it concerns issues similar to those raised in another representation (GB.340/INS/19/1), it should be examined jointly by the same tripartite committee.**

(GB.349/INS/19/13, paragraph 6)

20. Composition, agenda and programme of standing bodies and meetings (GB.349/INS/20)

- 785. The Worker spokesperson** congratulated the three newly appointed members and the five reappointed members of the CEACR. The Workers' group considered the appointment process to be solid, independent and impartial and welcomed the inclusion among the selection criteria of geographical representation and knowledge of different legal systems around the world.
- 786.** Her group would welcome the approval of the holding of a meeting of experts on wage policies, including living wages, as it was an important issue rooted in the conclusions of the 111th Session (2023) of the International Labour Conference and in the ILO Constitution. The Workers' group took note of the programme of meetings and supported the draft decision.
- 787. The Employer spokesperson** congratulated the newly appointed and reappointed members of the CEACR and lauded the professional, positive and constructive manner in which the selection process had been conducted. The Employers' group took note of the programme of meetings and supported the draft decision.
- 788. Speaking on behalf of the Africa group,** a Government representative of Cameroon said that the Africa group, having taking note of the rigorous selection process used, approved the appointment of the three new members and the reappointment of five members of the CEACR. The selection criteria, which included independence, impartiality and technical expertise, were evidence of the independence and relevance of the supervisory bodies. The group approved the holding of a meeting of experts on wage policies, including living wages, but wished to

know more about the concept of a “living wage”. The group took note of the programme of meetings and supported the draft decision.

Decision

789. The Governing Body, upon the recommendation of its Officers:

- (a) **appointed for a period of three years, three new members of the Committee of Experts on the Application of Conventions and Recommendations:**
 - (i) **Advocate Irene Kashindi;**
 - (ii) **Judge Iain Ross;**
 - (iii) **Professor Mia Rönnmar;**
- (b) **reappointed for a period of three years the following five members:**
 - (i) **Ms Leila Azouri;**
 - (ii) **Ms Graciela Dixon Caton;**
 - (iii) **Mr Alain Lacabarats;**
 - (iv) **Mr Sandile Ngcobo;**
 - (v) **Ms Mónica Pinto;**
- (c) **took note of the clarified and partially reformulated criteria for the selection of members of the Committee of Experts, approved by the Officers, as indicated in paragraph 12 of document GB.349/INS/20;**
- (d) **approved the holding of a meeting of experts on wage policies, including living wages and its proposed date, composition and agenda;**
- (e) **endorsed the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as listed in Appendix II to document GB.349/INS/20;**
- (f) **took note of the programme of meetings contained in Part II of document GB.349/INS/20, subject to further decision-making of the Governing Body.**

(GB.349/INS/20, paragraph 25)

► Policy Development Section

Employment and Social Protection Segment

1. Review of progress made regarding the follow-up of the Youth Employment Action Plan (YEAP) for the period 2020–30 (GB.349/POL/1)

- 790. The Employer spokesperson** commended the Office on the work done in the scope of the Youth Employment Action Plan for the period 2020–30. To support its implementation, Member States needed to be provided with the necessary resources to develop effective youth employment strategies and initiatives that were adapted to local and regional needs. It would

also be important to facilitate knowledge exchange to allow challenges to be identified and inform evidence-based strategies. The Action Plan's balanced approach reflected its careful development and coordinated implementation. However, the Office should pay particular attention to market demands in addition to labour supply, meaning it must not only prioritize projects promoting entrepreneurship and employability among young people, but also support the development of regulatory and institutional policies conducive to the creation of productive employment opportunities.

791. He asked how the Office had ensured that youth employment continued to receive the necessary attention following the decision in 2020 to merge the Youth Employment Programme into the Employment, Labour Markets and Youth Branch (EMPLAB) of the Employment Policy Department to align its objectives with the ILO's overall mission. The Office should allocate sufficient resources to the programme and related initiatives while also increasing their visibility, and all stakeholders should demonstrate their strong commitment to them.
792. A holistic approach should be taken to youth employment policies, as young people's situation in the labour market could not be analysed independently from the wider economic situation. It was crucial to have an enabling environment for business growth, as that would provide more youth employment opportunities. Training and skilling must be urgently aligned with the demands of the rapidly changing world of work. He commended the Office's efforts to make the voices of young people heard in policymaking and social dialogue activities and to underscore the social dimension of climate change and the importance of a just transition for young people. Securing adequate financing remained a major challenge; the Office must therefore work hard to mobilize sufficient resources for youth employment to implement the Action Plan and make a tangible impact. The independent mid-term evaluation of the Action Plan would provide a clearer understanding of the situation and challenges arising, enabling the Office to adapt to the evolving needs of young people. He supported the draft decision.
793. **The Worker spokesperson** congratulated the Office on the implementation of the Action Plan. However, the document did not provide concrete information on the impact of activities implemented to support job creation for young people. The deterioration of working conditions triggered by stagnation in youth labour market prospects had contributed to increased migration among young people, exacerbating global inequalities. It would have been interesting to learn how implementation of the Action Plan had helped to anchor a job-friendly development agenda in industrial and sectoral policies that could facilitate structural transformation, contribute to an environmentally sustainable economy and promote greater public and private investment in sectors that created decent jobs for young people.
794. His group supported the actions proposed to enhance the ILO's technical work on youth employment. With regard to the proposed development of integrated policy responses, he highlighted the crucial role of pro-employment macroeconomic policies, which could generate a conducive environment for decent job creation, and welcomed the emphasis placed on the role of the Global Accelerator on Jobs and Social Protection for Just Transitions in that regard. Structural transformation through industrial policies, including investment in the green economy and skills development as part of a comprehensive just transition, could provide decent and formal jobs for young people. Consideration should also be given to integrating the ILO plan of action on inequalities and the Quality Apprenticeships Recommendation, 2023 (No. 208), in such activities.
795. He welcomed the focus on promoting meaningful engagement of young people in the world of work and society, and emphasized the importance of including young workers in designing

economic, social and employment policies. He requested clarification on what “youth-inclusive social dialogue” meant, as precarious employment conditions experienced by young people often prevented them from engaging in social dialogue, freedom of association and collective bargaining. That problem could not be resolved through the ad hoc designation of youth representatives. The Office should focus on raising awareness among all young workers of their rights. In addition, since most platform workers were young people, it was crucial to encourage the involvement of young trade union representatives in preparations for the standard-setting discussion on decent work in the platform economy to be held at the 113th Session (2025) of the International Labour Conference.

- 796.** The Action Plan paid insufficient attention to labour organizing, collective bargaining and freedom of association, and the need to ensure formalization (an issue increasingly of concern to young workers given the difficulty of the school-to-work transition, lack of decent employment opportunities and high barriers to entry). The Action Plan should also give more consideration to gender equality, diversity and the racialization of jobs. He called for a change in the quality of employment for young people; they should be paid fairly for their work, regardless of age and experience. Structured wage growth systems should be implemented to assure young workers of regular, reasonable wage increases based on their experience and skills accrued, as such approaches motivated them to remain committed to their roles and improve their skills. The Office should prioritize capacity-building to enable constituents to design and implement labour market policies conducive to a just transition and the creation of decent green jobs.
- 797.** In addition, the Office should advise countries to support youth employment policies and programmes that focused on sectors with decent work creation potential (such as green, blue, digital, orange and care economies). In that context, the Office should provide technical support to constituents on developing apprenticeships in such sectors, taking into account national realities and employment, industrial and public investment policies. The Office should also assist Member States more actively in formulating and evaluating youth-specific employment policies. The decrease in average retention rates among young people warranted consideration, as young people increasingly sought fulfilling jobs that favoured their personal development. The EU Youth Guarantee had created opportunities for young people and acted as powerful drivers for structural reform where trade unions had participated actively.
- 798.** He thanked the Office for embedding youth employment in the wider work of the Office through the Interdepartmental Action Group on Youth Employment (IDAG), and his group strongly supported the proposals to re-establish a youth employment programme within EMPLAB. He agreed with the importance of having created the programme and budget output 3.5 and stressed that resource mobilization on youth employment should be a key priority going forward, also with regard to including youth issues in initiatives such as the Global Accelerator and the Global Coalition for Social Justice. He supported the draft decision.
- 799. Speaking on behalf of the Africa group,** a Government representative of Senegal reaffirmed her group's commitment to decent work and productive employment for young people in Africa, in accordance with the Abidjan Declaration. The Action Plan stated that young people were facing huge barriers to entry into the labour market following the COVID-19 pandemic, a problem exacerbated by international tensions. Her group appreciated the technical assistance and capacity-building initiatives carried out in her region, as well as the development of a youth employment strategy for Africa in collaboration with the African Union. However, the Office should provide more information to constituents on the outcomes of such initiatives and their impact on the situation of young people, including data on the number and quality of jobs generated in each country involved. The independent mid-term evaluation of

the Action Plan could prove useful in that regard. Furthermore, the involvement of governments and social partners in such initiatives and the coordination of activities should be strengthened to ensure the effectiveness of those activities and the rational use of resources. Her group supported the way forward as outlined by the Office, in particular the prioritization of resource mobilization on youth employment and the inclusion of output 3.5 in the Programme and Budget for 2024–25. She supported the draft decision.

- 800. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Mexico welcomed the inclusion of output 3.5 in the Programme and Budget for 2024–25 and the proposal to undertake an independent mid-term evaluation of the Action Plan. He highlighted the importance of South–South and triangular cooperation to the promotion of youth employment and expressed hope that the Global Coalition for Social Justice would pay special attention to the education, training and mental well-being of young people. It was essential to take a cross-cutting gender equality approach in the tripartite analysis of youth employment in order to ensure that the implementation of the strategic framework of the Action Plan promoted capacity-building among young people and resulted in strengthened labour market institutions, inclusive and sustainable growth, full and productive employment and decent work for all. Analysing each cluster of the Action Plan’s work plan would help to visualize the outcomes of its implementation.
- 801.** His group appreciated the increase in knowledge development and dissemination activities and the high rate of advocacy and partnership activities carried out by the Office in his region, and acknowledged the Office’s efforts to provide technical assistance and capacity-building for the employment of young people in the region. Given the high level of informality in Latin America and the Caribbean, the Office should learn from experiences in the region to inform its programmes on formalization.
- 802.** He called for the continued promotion of the Global Initiative on Decent Jobs for Youth and expressed hope that the implementation of the Action Plan would contribute to the achievement of Sustainable Development Goal 8 and equip young people with the skills required for the green economy. They supported the measures outlined in the Action Plan. The meaningful participation of young people in the world of work should be encouraged to promote social dialogue. He supported the draft decision.
- 803. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of China highlighted the importance of youth employment to global growth. The divergence in COVID-19 pandemic recovery pathways was contributing to global inequalities in opportunities for young people, with potential negative implications for labour migration, the well-being of young people and social cohesion. Against that backdrop, the implementation of the Action Plan had achieved fruitful outcomes globally, as in her region. She called on the Office to support Member States in sharing research and experiences on youth employment, an area that had traditionally not received sufficient investment and required greater attention.
- 804.** Youth employment should be a priority of the Global Coalition for Social Justice, and synergies and cooperation with other international organizations and multilateral forums should be enhanced. The ILO should strengthen Government capacities to remove obstacles to youth empowerment. She welcomed the proposal to prioritize resource mobilization on youth employment and the inclusion of output 3.5 in the Programme and Budget for 2024–25. She called on the Office to allocate additional budgetary and human resources to youth employment, include the topic in future programme and budget proposals and mobilize additional regular budget and extrabudgetary resources to support the implementation of the Action Plan. Coordination of resources dedicated to youth employment programmes across

the Office should be strengthened to ensure consistency and coherence, and evaluations of the implementation of the Action Plan should be conducted, with outcomes regularly reported to the Governing Body. She supported the draft decision.

- 805. Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Spain said that North Macedonia, Republic of Moldova, Montenegro, Ukraine, Iceland and Norway aligned themselves with his statement. The European Union (EU) was committed to supporting the labour market participation of young people and had implemented a range of regional initiatives in that area. It was positive to see a balanced distribution of youth employment outcomes across the Action Plan's clusters of implementation in all regions and at headquarters, and an integrated approach to tackling the five policy areas of the 2012 resolution entitled "The youth employment crisis: A call for action". In Europe, joint EU-ILO capacity development activities for the implementation of Youth Guarantees were supporting countries in the Western Balkans.
- 806.** Given the persistent impacts of the COVID-19 crisis on youth unemployment, there was a need to support education and training for young people, notably in line with Recommendation No. 208, and to develop effective youth employment policies through youth-inclusive social dialogue. In that regard, he commended the Office's efforts to facilitate the participation of young people in programme design and implementation through youth-inclusive social dialogue, and the support provided to constituents despite budgetary and staffing constraints. It was regrettable, however, that the aggression of the Russian Federation against Ukraine had led to the suspension and/or refocusing of initiatives in the region; the Russian Federation must immediately and unconditionally cease its aggression and withdraw its troops from Ukraine.
- 807.** The review of progress was timely in the light of ongoing work on the 2030 Agenda for Sustainable Development and the Global Coalition for Social Justice. Integrated policies and cooperation were vital for policy formulation and implementation; initiatives such as the Global Accelerator could support such efforts. It was also important to mobilize resources and strengthen constituents' capacity, while considering the life-course perspective and challenges and opportunities arising from the evolving world of work, in line with the ILO Centenary Declaration for the Future of Work. Improvements could be made at the headquarters and regional levels to work on youth employment, including through staff networks that worked fully or partially on that issue; the new output on youth employment in the Programme and Budget for 2024–25 would be essential for boosting efforts and monitoring progress in that regard. In conclusion, his group supported the draft decision and looked forward to the independent mid-term evaluation of the Action Plan in 2025.
- 808. A Government representative of Mexico** said that the challenges presented by the economic crisis, the consequences of the COVID-19 pandemic, climate change, conflict and the lack of decent employment must be addressed with the full cooperation of the tripartite constituents, supported by the Office. Political commitment and innovative approaches were essential to improve conditions for young people in the world of work; his Government had made progress in that regard, notably through a dedicated youth employment programme in which the public, private and social sectors worked together to promote the employability and labour inclusion of young people not in education, employment or training. Investment in young people represented investment in the present and future of a society that would fight for social justice.
- 809. A Government representative of Indonesia** said that tackling youth unemployment and the enduring effects of the COVID-19 pandemic on young people's education, training,

employment and well-being was of paramount importance, particularly in countries with a high youth population such as his own. Empowering and supporting young people was crucial for sustainable development and social cohesion. The ILO's commitment to implementing the 2012 resolution was therefore commendable. With respect to the diverse initiatives and interventions undertaken in different regions, special attention should be paid to securing an immediate ceasefire in Gaza and establishing lasting peace in the region, as the conflict was having a devastating impact on the safety and employment prospects of young Palestinians.

- 810.** His Government agreed on the need to involve young people in policy and programme design, to strengthen constituents' capacity to deliver integrated packages of youth-targeted active labour market policies and to focus on sectors with decent job creation potential, given that a life-course perspective was crucial to ensure that young people could access opportunities. It also supported the call to prioritize resource mobilization on youth employment, notably of extrabudgetary resources, as that would be essential to scale up the initiatives outlined in the document. His Government remained committed to collaborating with the international community to achieve the objectives of the Action Plan and looked forward to its independent mid-term evaluation.
- 811. A Government representative of India** welcomed the initiatives undertaken by the ILO to tackle labour market challenges and promote youth employment, particularly through technical assistance and capacity-building. However, challenges remained and further efforts were needed for more effective implementation of the youth strategy. New forms of work, especially the gig and platform economies, had the potential to address high youth unemployment in developing countries. In that regard, the Indian presidency of the G20 had achieved a milestone by building consensus on the importance of working towards provision of social protection for gig and platform workers.
- 812.** Greater emphasis on building a robust foundation among young people for availing themselves of employment opportunities and lifelong learning could be achieved through better cross-collaboration; in that connection, the Global Coalition for Social Justice could be an effective platform for boosting resource generation, policy and action coherence at all levels. The Indian G20 presidency had also built consensus for the development of an international reference classification of occupations and a map of global skills gaps. She urged the ILO to conduct research and garner support for their implementation. The Office should also continue preparing reports on progress towards the Antalya goal of reducing the share of young people who were most at risk of being permanently left behind in the labour market by 15 per cent by 2025, and provide technical support and policy advice to improve the youth employment situation worldwide.
- 813. A Government representative of the United Kingdom of Great Britain and Northern Ireland** asked the Office to clarify which topics were covered under the reported actions on knowledge development and dissemination, how those actions had influenced policy and practice and whether that information would be included in the 2025 mid-term evaluation of the Action Plan. Ongoing work should remain focused on addressing barriers to entry and progression in the labour market for young people in disadvantaged and under-represented groups, and she encouraged the Office to facilitate information sharing on that area of work. She welcomed the proposed action on collaboration in section IV of the report on the way ahead, highlighting the success of collaborative government action in the United Kingdom. She supported the proposal to re-establish the youth employment programme and the introduction of a specific output on youth employment in the Programme and Budget for 2024–25, which would enhance monitoring of that work. She supported the draft decision.

- 814. A Government representative of Brazil** welcomed the document's broad overview of activities in cross-cutting areas related to youth employment and shared the Director-General's view that youth employment should be a priority for the ILO; the inclusion of a specific outcome for that purpose in future programme and budget proposals could help in that regard. Her Government had implemented various national measures closely aligned with ILO directives on youth employment, and remained firmly committed to the inclusion of youth in the labour market. In that regard, her Government would be willing to potentially host the next Youth Employment Forum, which would provide an opportunity to exchange ideas that could be linked to other initiatives, such as the Brazilian presidency of the G20 in 2024 and the global partnership between Brazil and the United States for the promotion of decent work. She supported the draft decision.
- 815. A Government representative of Pakistan** acknowledged the commendable efforts made by all constituents to tackle labour market issues in Asia and the Pacific, as outlined in the report. However, much remained to be done, as youth employment rates in developing countries still lagged behind pre-pandemic levels. His Government was committed to creating employment opportunities for the country's youth and had two key national initiatives working towards that goal. Another area of national focus was youth empowerment, with a view to increasing gender parity in education and the world of work. He supported the draft decision.
- 816. A representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) said that the Office's work on youth employment was anchored in the Employment Policy, Job Creation and Livelihoods Department and undertaken in coordination with all ILO technical departments and field offices. The ILO was committed to continually improving its implementation of the Action Plan, and an important step was the introduction of output 3.5 of the Programme and Budget for 2024–25, which aimed to ensure the integration of demand- and supply-side interventions on youth employment. A mid-term evaluation of the Action Plan would be carried out in 2025 and would measure its impact. The Office would continue to focus on targeted interventions for young people in particularly difficult situations and to improve job quality, including through work on, inter alia, social protection, informality, and training and skills development.
- 817.** The Office would continue to support the strengthening of social dialogue that was inclusive of young people and included youth-specific employment outcomes, and to work with the social partners on the rights of young people and strengthen tripartite engagement. It would also pursue its efforts to create strong partnerships with the multilateral system, the private sector and other relevant stakeholders which were instrumental in resource mobilization and leveraging the ILO's work on youth employment. Youth employment was one of the main areas of focus for the Global Accelerator on Jobs and Social Protection for Just Transitions and the Global Coalition for Social Justice. The Office would continue to provide technical support to the G20 in the area of youth employment. The Youth Employment Action Plan was fully aligned with Recommendation No. 208.
- 818. Another representative of the Director-General** (Director, Employment Policy, Job Creation and Livelihoods Department), responding to the comments of the Employer spokesperson on the need for an enabling environment for decent job creation, recalled that the *Global Employment Trends for Youth 2022: Investing in transforming futures for young people* report revealed how a structured transformation in the digital, green and care economies could help create decent jobs for young people. The ILO was working with the African Union and the African Development Bank to mainstream decent work issues into economic policies and investment decisions.

- 819.** The influence and relevance of the ILO's research in terms of policy and practice would be addressed in the 2025 mid-term review. Its work to analyse the disproportionate impact of the COVID-19 pandemic on young people had informed policy discussion and development, for example, and the *Global Employment Trends for Youth 2022* report was being used as an important reference point for policy debate. He thanked Brazil for their offer to organize a Youth Employment Forum that would be further discussed with them.
- 820. The Worker spokesperson** requested clarification on inclusive social dialogue. His group urged the Office to clearly advise Member States to increase awareness among young people of their rights to freedom of association and collective bargaining, enabling them to join trade unions or employers' organizations so as to participate in social dialogue. The ILO's spending on youth employment needed to increase, as it was a priority issue for the Organization.
- 821. The representative of the Director-General** (Director, Employment Policy, Job Creation and Livelihoods Department) said that efforts to, among other things, raise young people's awareness of their rights with regard to social dialogue were an essential part of the Action Plan. In fact, the Office was working to update a guide on workers' rights that particularly addressed young people.

Decision

- 822. Subject to the guidance provided in its discussion of the 2020–23 review of progress made by the follow-up Youth Employment Action Plan for the period 2020–30, the Governing Body took note of the review of the progress made and requested the Director-General to take into account its guidance in continuing to implement the Youth Employment Action Plan, including as regards the allocation of resources in future biennia, and to facilitate the mobilization of adequate extrabudgetary resources to that end.**

(GB.349/POL/1, paragraph 44)

Social Dialogue Segment

2. ILO integrated strategy for the promotion and implementation of the right to collective bargaining (GB.349/POL/2)

- 823.** The Governing Body had before it an amended version of the draft decision, which had been proposed by the Employers' group and circulated by the Office, and which read:

The Governing Body endorsed the ~~proposed~~ proposal of an ILO integrated strategy for the promotion and implementation of the effective recognition of the right to collective bargaining within the framework of the revised action plan on social dialogue and tripartism 2019–2023 and requested the Director-General to take into account its guidance in developing and implementing the strategy and to submit a progress report at its 352nd Session (November 2024).

- 824. The Employer spokesperson** recalled that freedom of association and collective bargaining were fundamental rights that Member States had an obligation to respect, promote and realize by virtue of their ILO membership, even if they had not ratified the corresponding Conventions. He observed that most of the proposed activities were already being carried out by the Office under existing plans of action and strategies and were included in the Programme and Budget for 2024–25. The plans of action concerned should be reviewed by the International Labour Conference during its recurrent discussions on the fundamental principles and rights at work

in 2024 and on social dialogue in 2026, in order to take into account new developments and the needs of the constituents.

- 825.** The ILO's activities to promote the right to collective bargaining were therefore already included in a broader strategy to promote social dialogue. There was no need to introduce a separate strategy on collective bargaining; doing so could lead to a two-speed system in the ILO, under which collective bargaining was considered separately from other aspects of social dialogue. That approach did not reflect the spirit of the conclusions concerning the second recurrent discussion on social dialogue and tripartism adopted by the Conference in 2018, which aimed to create a global framework for action that took into account all forms of social dialogue according to national traditions and contexts.
- 826.** Paragraph 52 of the document stated that links would be established between the proposed strategy and other ILO strategies, to ensure that collective bargaining was integrated into them, without providing clarity on how that would be done. It was clear that further guidance from the Conference was needed. Indeed, during its recurrent discussion in 2024, the Conference would examine the opportunities provided by the inclusion of a safe and healthy working environment in the framework of fundamental principles and rights at work to develop synergies between the different principles and rights.
- 827.** The question of promoting collective bargaining for workers in the informal economy and for other vulnerable groups should be integrated into the ILO's existing strategies on those issues, and not considered separately. Furthermore, any activities to promote collective bargaining must respect national regulatory frameworks.
- 828.** Referring to paragraph 19, which stated that there was scope to increase the role of collective bargaining as a regulatory mechanism given the low levels of coverage in many countries, he recalled that collective bargaining, if it was to be effective, must assume a voluntary character and not entail recourse to measures of compulsion which would alter the voluntary nature of such bargaining.
- 829.** The focus on promoting collective bargaining in the multilateral system, including by incorporating the comments of the ILO supervisory bodies into multilateral cooperation frameworks, was unacceptable; those comments were not intended to be used as case law, but were issued in relation to specific circumstances taking into account national contexts. Regarding paragraph 44, it was unclear on what basis the list of research products, which should have been the result of tripartite agreement, had been developed. Certain items of importance to employers were missing from that list. Furthermore, the topics to be covered in the flagship report on social dialogue had already been agreed on and should not be amended at that stage. While up-to-date databases were needed, and the Office had a clear mandate for activities in that respect under the 2018 conclusions, the document provided no proposals on how to overcome the associated resource constraints. It was unclear how public-private partnerships would be used to help promote collective bargaining, as mentioned in paragraph 53. The proposal for the Office to report on the strategy on an annual basis was not in keeping with other ILO strategies and was contrary to efforts to reduce the workload of the Governing Body.
- 830.** The proposed strategy appeared to be an effort to reinvent the wheel and could mean losing sight of the value of social dialogue. An integrated strategy was needed in which collective bargaining played an important role but was not isolated from other aspects of social dialogue. His group had therefore proposed an amended version of the draft decision.

- 831. The Worker spokesperson** said that collective bargaining was a fundamental human right and a cornerstone of the ILO. It was one of the best ways to reduce inequalities and promote social justice. The adoption of an integrated strategy would guide the Office's work to promote and implement that fundamental right and give effect to the conclusions and decisions adopted by the tripartite constituents over the years. His group welcomed the growing support in the international community for the promotion of collective bargaining, in particular the establishment in December 2021 of the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER) in the United States of America, the launch in September 2023 of the United States–Brazil Partnership for Workers' Rights and the commitment to human rights made in August 2023 at the BRICS summit in South Africa.
- 832.** The discussion of the integrated strategy was, therefore, timely. Indeed, the Governing Body's discussion earlier that week on the high-level evaluations of strategies and Decent Work Country Programmes had underscored the need for the ILO to update its strategies and extend its activities to promote freedom of association and collective bargaining.
- 833.** The document highlighted the need to overcome the challenges regarding the implementation of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the important role of the ILO's supervisory bodies in that regard. It was fundamental to ensure that all workers in all sectors were able to engage in collective bargaining. The Office, together with governments, had a key role to play in establishing a negotiating framework so that all workers could enjoy that fundamental right. The ILO *Social Dialogue Report 2022*, which his group welcomed, had underscored the key role played by collective bargaining in eliminating inequalities, including during the COVID-19 pandemic.
- 834.** Noting with concern the comments in paragraph 20 on the limited capacity of the ILO to respond to requests for assistance, he said that it was essential that sufficient resources should be made available for the implementation of the proposed strategy. Mandatory training was needed for all ILO staff on the right to collective bargaining. International labour standards should be promoted and technical assistance provided to improve national follow-up to recommendations by the supervisory bodies. The main focus of the strategy should be on extending collective bargaining coverage, and centralized collective agreements, which guaranteed the broadest coverage, should be prioritized. Indeed, the conclusions of the recurrent discussion on social dialogue of 2018 afforded importance to extending coverage to all workers. An assessment was needed of how different workplace rules could undermine the practice of collective bargaining. The transnational element was important, and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) should be taken into consideration in terms of strengthening the promotion of the operational tools in its Annex II.
- 835.** It was crucial to strengthen collective bargaining frameworks at the national level, with efforts from public authorities, including dispute prevention and settlement mechanisms and the capacity-building of all social partners. With regard to knowledge development, he underscored the need to draw on the work carried out in the preparation of the *Social Dialogue Report 2022*, and on the data in the *Global Wage Report 2022–23* and the *World Employment and Social Outlook 2023*. Data collection and transparency were essential. Training was needed based on economic, social and financial indicators and empirical sources of information needed to be taken into account in bargaining processes. The identification of participants in negotiations was also important. A strategy on collective bargaining should go hand in hand with the right to freedom of association.

836. His group supported the proposed strategy, which would be coordinated centrally by the Office, and supported the draft decision as originally drafted by the Office. The amended version proposed by the Employers' group was not appropriate as it would limit the strategy.
837. **Speaking on behalf of GRULAC**, a Government representative of Mexico said that freedom of association and the effective recognition of the right to collective bargaining contributed to the fulfilment of all other rights at work and supported progress towards social justice. Social dialogue was key to achieving the Sustainable Development Goals, and her group would support the ILO in its role in achieving them. In terms of the development of the proposed strategy, the participation of the social partners in good faith was a crucial element. The Global Coalition for Social Justice could play an important role in promoting collective bargaining. Since there was no single model for collective bargaining, the Office would need to identify national circumstances in order to implement the strategy.
838. Her group stood ready to support implementation of the strategy and the activities set out in the document, such as promoting the relevant international labour standards and helping Member States ensure that legislation allowed vulnerable workers and workers in the informal sector to exercise their right to collective bargaining. Data were needed so that the tripartite constituents could follow up on progress made, and the use of new technologies should be enhanced to boost the impact of promotion activities and to provide training and support for States and representative employers' and workers' organizations. Her group supported the original draft decision.
839. **Speaking on behalf of the Africa group**, a Government representative of Morocco asked which aspects of the ILO's approach towards collective bargaining needed to be strengthened to enhance the coherence and effectiveness of the ILO's approach towards collective bargaining, including within the Office. She also asked for more information on the nature of the public-private partnerships to help promote collective bargaining more broadly, in line with existing procedures. While her group considered collective bargaining to be a voluntary process, a legal and regulatory framework for collective bargaining, based on international labour standards, would provide for standardized modalities for negotiations and establish the role of tripartite institutions in providing advice on proposals to promote collective bargaining and collective labour agreements within enterprises or at the sectoral or national levels. Although the document stated that no legal limitation existed on the subject matter for bargaining or on the content of collective agreements, it should be noted that the provisions of collective agreements on general conditions of work, employment and labour relations must provide the necessary clarity with regard to the settlement of disputes and the application of the principle of equal pay for equal work, and the provisions must be no less favourable than those set out in labour law.
840. The success of the proposed strategy would depend on the ability of the Office to provide assistance and capacity-building to constituents with regard to the establishment of a legal framework for collective bargaining, the development of collective agreements, the topics for inclusion in such agreements and the role of the state authorities. With regard to the draft decision, she wished to hear the views of other Member States before expressing her group's view.
841. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Canada said that the enabling rights of freedom of association and collective bargaining were fundamental to the ILO and critical to inclusive economic development, democracy and social justice. The Office should prioritize work on those rights both at headquarters and in the field. Technical support on collective bargaining should be at

the heart of the ILO's work. IMEC welcomed the proposed strategy and its focus on strengthening the coherence and effectiveness of the ILO's approach and enhancing the ILO's capacity to foster policy coherence on the subject in the multilateral system. IMEC also welcomed the efforts to increase the competency of the Office and to support the promotion of collective bargaining. Such efforts should include mandatory training for all staff. In the light of the challenges highlighted by the Office, IMEC anticipated that a key part of strengthening internal coherence and effectiveness would be to increase investment in the staff and resources dedicated to collective bargaining. Implementation of the strategy would require outreach to donors and substantial resource mobilization. Voluntary contributions were meant to complement, not replace, the regular budget resources dedicated to collective bargaining. The Office should therefore devote sufficient core resources to enable the full implementation of the strategy. IMEC supported the draft decision as originally drafted.

842. Speaking on behalf of the EU and its Member States, a Government representative of Spain said that North Macedonia, the Republic of Moldova, Montenegro, Serbia, Türkiye, Ukraine, Iceland, Norway and Armenia aligned themselves with her statement. Her group aligned itself with the statement made on behalf of IMEC and welcomed the proposed strategy. Social dialogue and collective bargaining had proven to be important tools in supporting progress towards social justice and giving effect to international labour standards, driving not only economic and social resilience, competitiveness and stability, but also sustainable and inclusive growth and development. Collective bargaining also played an important role in shaping the future of work. The EU and its Member States welcomed the growing support for the promotion of collective bargaining within the international community. Countries with robust frameworks for social dialogue and a high coverage of collective bargaining tended to have more competitive and resilient economies. The EU was strongly committed to strengthening efforts to support collective bargaining; she therefore welcomed the proposed framework and the guidance in the strategy. She supported the reinforced focus on the promotion and implementation of the right to collective bargaining and agreed that the strengthening of public institutions and authorities was essential to that work. Furthermore, she welcomed the emphasis on the intrinsic link between collective bargaining and freedom of association and supported the efforts to strengthen the capacity of the social partners. She also welcomed the intent of a common understanding of the effective recognition of the right to collective bargaining across the ILO. In that regard, the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Convention No. 98 was paramount. The important role played by the social partners should be preserved and enhanced. She supported the proposed strategy and its priority areas for action.

843. A Government representative of the United States of America, noting the centrality to the ILO of the enabling rights of freedom of association and collective bargaining, said that more needed to be done to strengthen the time and attention given to those rights. In his report to the 111th Session (2023) of the Conference, the Director-General had acknowledged the need to step up efforts to promote collective bargaining, which continued to play a role in delivering outcomes that were fair, equitable and inclusive. Her Government was committed to helping the Office to achieve the aims of the strategy and accordingly had agreed to fund a new global project, the Research, Innovation and Strategic Engagement (RISE) project, to promote freedom of association and collective bargaining. It planned to provide up to US\$40 million to the ILO over the coming years through the RISE project to: support efforts to strengthen the ILO's contribution to the global debate on the value of freedom of association and collective bargaining to democracy and inclusive economic development; support work with the ILO constituents to foster legal, regulatory and institutional reforms and build capacity in the areas of labour market governance and industrial relations; and support innovative approaches and

best practices in industrial relations and the realization of those rights. Her Government would be pleased to discuss opportunities for coordinating support in that respect with other interested donors. However, she recalled that voluntary contributions were meant to complement, not replace, regular budget resources dedicated to collective bargaining. The Office should devote sufficient core resources to enable the full implementation of the strategy. She supported the draft decision.

- 844. A Government representative of India** said that global trends, such as those relating to remote working, migration and informal employment, posed new challenges for the recognition and exercise of collective bargaining rights; labour laws, models of association, collective bargaining and union strategies must be adjusted accordingly. His country therefore supported the progressive expansion of the scope and coverage of voluntary collective bargaining, in line with national circumstances. The importance of data and information for evidence-based bargaining could not be overlooked.
- 845.** The ILO should protect the interests of low- and middle-income Member States in trade and investment agreements. The inclusion of labour rights in those agreements should not be allowed to serve as a protectionist measure or a non-tariff barrier. Scarcity of resources, and not lack of will, was the central reason behind some Member States' inability to secure labour rights and social protection for their workers. The imposition of strict obligations to guarantee labour rights without taking into account Member States' respective resources was likely to be detrimental in low- and middle-income countries, potentially worsening social justice and labour rights. Trade and investment should not be linked to labour rights in a manner that would aggravate social injustice and inequality, particularly in the global South. The ILO should develop adequate policy and legal safeguards in trade and investment agreements, as well as undertaking international advocacy, to ensure that low- and middle-income Member States were not penalized for their vulnerabilities or economic constraints. High-income countries should provide technical support and financial assistance for the expansion of economic activities and capacity-building.
- 846. A Government representative of Indonesia** recognized the need to develop strategies to respond to the rapidly evolving global labour market, where issues such as informality, globalization and technological advancement affected collective bargaining. The proposed strategy's alignment with the ILO's strategic objective of strengthening the tripartite constituents and promoting meaningful and inclusive social dialogue was crucial, since strong partnerships between workers, employers and governments, as well as broader societal engagement, were essential to labour policies and practices. The emphasis on policy coherence within the ILO and in the multilateral system was welcome, and he recognized the importance of mobilizing resources to support the proposed strategy. He also acknowledged the significance of efforts to raise awareness of, and promote, international labour standards related to collective bargaining and welcomed in particular the provision of technical support and capacity-building. The proposed strategy's focus on development cooperation would be crucial for countries like Indonesia.
- 847. A Government representative of Brazil** highlighted that the creation of quality jobs in the formal sector and the promotion of decent work, including through collective bargaining, could boost consumption, and therefore production, and increase tax revenue and social security contributions, thereby enhancing governments' ability to institute improved public policies. Collective bargaining also helped to reduce wage inequalities and combat discrimination at work. The Global Coalition for Social Justice should be harnessed to promote collective bargaining and better assist the most vulnerable workers. His Government had taken significant steps to promote tripartism, including the conclusion of a national tripartite

agreement on yearly increases to the minimum wage above inflation levels, one of the largest collective bargain agreements in the world, covering some 30 million workers.

- 848. A Government representative of Namibia** described his Government's actions to promote collective bargaining and tackle some of the challenges addressed by the proposed strategy, whose focus on areas such as capacity-building, comprehensive research and advocacy was welcome.
- 849. A Government representative of the Republic of Korea** said that the proposed strategy was timely and relevant. Building an authoritative, evidence-based body of knowledge that allowed Member States to share best practices was commendable, while the provision of capacity-building and training to labour inspectorates would be beneficial to all Member States. He supported the draft decision.
- 850. A Government representative of Argentina** welcomed the proposed strategy. Collective bargaining, the right to which her Government strove to protect, could play a central role in tackling global challenges such as technological transitions and gender inequality, and the commitment of the ILO and its Member States to promoting that right was crucial to consolidating democracy and development. Her Government supported the draft decision.
- 851. The Employer spokesperson** said that his group's proposed amendment aimed to guarantee consistency across the Office's policies, ensure the efficient use of its financial resources and focus its efforts to promote social dialogue. He wondered whether the Office might have departed from the mandate to promote all forms of social dialogue granted to it by the International Labour Conference at its 107th Session (2018) in favour of promoting only collective bargaining. Although a key tool for regulating labour relations, collective bargaining alone was insufficient to achieve social justice. He therefore wished to receive clarification as to how the Office intended to reconcile the proposed strategy with the mandate granted to it by the Conference. His group would also welcome assurances that, should the proposed strategy be endorsed, the social partners would be involved in determining its content.
- 852.** Noting that many governments had delivered statements in favour of collective bargaining but had not yet ratified Convention No. 98, he expressed hope that the proposed strategy would support them in translating those statements into action. His group was concerned at the use of the ILO supervisory bodies' comments, which, rather than constituting jurisprudence, should be used to guide governments in fulfilling their collective bargaining obligations. Furthermore, the ILO must uphold the voluntary nature of collective bargaining as established in Convention No. 98, and ensure that the different levels of collective bargaining were not negatively affected by the proposed strategy and that collective bargaining by branch of activity was not favoured.
- 853. Speaking on behalf of the Africa group,** a Government representative of Morocco said that the group, having completed its consultations, could support the draft decision.
- 854. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster), in response to the concerns expressed by the Employers' group, said that although the proposed strategy had drawn on follow-up to the conclusions adopted by the International Labour Conference at its 107th Session, it had also been informed by recent experiences of collective bargaining, including during the COVID-19 pandemic. While collective bargaining was just one form of social dialogue, it had been recognized by a number of recent tripartite forums as central to the achievement of social justice. Having a dedicated strategy on collective bargaining would not diminish the importance of other forms of social dialogue; rather, it would likely contribute to strengthening it further. The strategy would respect not

only the diversity of collective bargaining systems but also their common underpinning principles, including the voluntary nature of collective bargaining, the social partners' autonomy and independence, and freedom from undue interference by governments. The proposed strategy was not intended to impose collective bargaining or any particular outcome.

- 855.** Rather than constituting binding instructions, supervisory bodies' comments would form part of the support provided to States struggling to implement the provisions of Convention No. 98 with the aim of creating a virtuous circle in which positive changes on the ground would inform supervisory bodies' views. In addition to the proposed strategy, collective bargaining was promoted through its mainstreaming in important areas of the Office's work. The proposed areas of research were a reflection of requests submitted by constituents, including the Employers' group, such as the role of collective bargaining in promoting lifelong learning to increase productivity.
- 856.** The proposed strategy sought to strengthen freedom of association and collective bargaining by, for example, reducing fragmentation, building the capacity of ILO staff to generate knowledge that would allow the right to collective bargaining to be exercised meaningfully, and allocating greater resources to support regulatory improvements and strengthen public authorities. The Office provided technical support to Member States, at their request, in considering and implementing labour provisions within the framework of trade and investment agreements, with a particular focus on low- and middle-income countries.
- 857. The Employer spokesperson** said that, in the light of the comprehensive explanations provided by the representative of the Director-General, his group withdrew its proposed amendment and supported the draft decision as prepared by the Office. The Employers' group was strongly in favour of collective bargaining.
- 858. The Worker spokesperson** noted that the proposed strategy was clear, and its endorsement by the Governing Body marked an important moment for the ILO.

Decision

- 859. The Governing Body endorsed the proposed ILO integrated strategy for the promotion and implementation of the right to collective bargaining and requested the Director-General to take into account its guidance in implementing the strategy and to submit a progress report at its 352nd Session (November 2024).**

(GB.349/POL/2, paragraph 57)

3. Sectoral meetings held in 2023 and proposals for sectoral work in 2024-25 (GB.349/POL/3)

- 860.** The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office. The Employers' group had proposed deleting the chapeau of subparagraph (e) and subparagraphs (e)(i) and (ii). A new subparagraph (e) would then be inserted to read: "decided that the meeting on decent work in the railways sector shall take the format of a technical tripartite meeting with a view to discuss opportunities and challenges for promotion of decent work, an enabling environment for sustainable enterprises and a just transition in the railways sector, with the aim of adopting conclusions, including recommendations for future action". Subparagraph (e)(iii) would be relabelled subparagraph (f), with the word "requested" inserted at the beginning. The Workers' group had proposed amending subparagraph (e)(ii) to read: "the Office, ~~following subsequent consultations with constituents, to prepare a proposal for a mechanism to update to inform~~

the Governing Body on how the Office has followed up on the conclusions and recommendations of technical meetings as well as the outputs of meetings of experts;”.

861. **The Worker spokesperson** reiterated the importance of adopting a sectoral approach to issues with specific sectoral dimensions, such as occupational safety and health, violence and harassment at work and the digital and green transformations, prioritizing both sectoral and centralized collective bargaining. The Office must ensure that its strategy and work on sectors were integrated and coordinated, and that the conclusions of each sectoral meeting were followed up and disseminated, possibly by engaging with the International Training Centre of the ILO (Turin Centre) to design courses to promote relevant tools and approaches. The data contained in the background reports that the Office had provided for each sectoral meeting must not be lost, but duly processed and made accessible.
862. His group welcomed the conclusions adopted during the technical meeting on the future of work in the arts and entertainment sector, especially their emphasis on the need for social dialogue in designing and implementing measures relating to new technologies, which was of particular importance amid the growing use of artificial intelligence in the sector. The Office should prioritize the collection and analysis of data and good practices regarding remuneration and working hours with a view to publishing a study on the matter; the provision of policy guidelines on implementing the right to collective bargaining; the mapping of policies and strategies that promoted respect for working time agreements and the rights of workers not to engage in work-related activities and communication outside working hours and to work-life balance; and regional meetings and workshops.
863. In relation to the follow-up to the conclusions of the technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector, he highlighted the importance of a workshop involving the International Civil Aviation Organization (ICAO) and the ILO to explore joint initiatives on a just transition. The Office should prioritize the analysis of the application of international labour standards to civil aviation, research on recruitment and retention in the sector and the promotion of diversity, including opportunities for women. Training on the sectoral implementation of the Violence and Harassment Convention, 2019 (No. 190), should be provided at the Turin Centre.
864. The policy guidelines for the promotion of decent work in the agri-food sector should be disseminated as a matter of urgency through all ILO country and regional offices and presented to other relevant United Nations agencies, such as the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development, potentially through a virtual workshop.
865. His group considered that the tripartite meeting on the railways sector should be conducted as a meeting of experts, since that format would facilitate the development of a code of practice or guidelines. Welcoming the Office's plan to prepare a study on fundamental principles and rights at work in the world of sport, his group was of the opinion that the Governing Body should decide at its next session, once that study had been finalized, when to convene a meeting of experts on that topic. The ILO must provide leadership and guidance on building a decent work agenda for athletes in a holistic manner. The process of reviewing the list of sectors should be done in full consultation with the social partners, and the Office should increase the visibility of, and resources for, follow-up to sectoral meetings.
866. The Workers' group could not support the amendment to the draft decision proposed by the Employers' group because it not only predetermined the format of the meeting on the transport railways sector, but also narrowed the scope of the meeting to focus on sustainable enterprises. The Workers' group had accepted the convening of such a meeting on the

understanding that it would be used to develop guidelines on decent work in the sector. His own group's proposed amendment reflected its view that consultations were not required for the Office to inform the Governing Body about follow-up to sectoral meetings' conclusions and recommendations.

- 867. The Employer spokesperson** supported the outcomes of the three sectoral meetings referred to in document GB.349/POL/3. His group particularly welcomed the recognition of the importance of social dialogue in developing regulations and policies at the technical meeting on the future of work in the arts and entertainment sector. The conclusions of the technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector would guide policymaking in tackling future crises as well as assisting the sector in adapting to increases in oil prices and inflation, slow economic growth and environmental and sustainability requirements. The policy guidelines for the promotion of decent work in the agri-food sector were balanced and took account of the challenges posed by informality in the agri-food sector and the need to create an enabling environment that allowed business to contribute to decent work and economic growth. The Employers' group supported the proposed dates, duration, official title, purpose and composition of the meetings to be held for the first to third quarters of 2024.
- 868.** Noting that there was still no solid proposal for the review of the list of sectors, he expressed openness to consultations on that matter at the next meeting of the Sectoral Advisory Bodies. His group therefore called on the Office to present a report outlining the eventual need and justification for a revision of the current list of sectors to the next meeting of the Sectoral Advisory Bodies. The Employers' group continued to deem unnecessary the development of a mechanism for reporting to the Governing Body on the implementation of sectoral meetings' conclusions and recommendations. An update presented during the biennial meetings of the Sectoral Advisory Bodies or in an annex to the report to the Governing Body would suffice. As a result, his group did not support subparagraph (e)(ii) of the draft decision.
- 869.** There had not been a sectoral meeting on the railways sector since 1994. As such, an informed tripartite review of the current state of the sector, including its challenges and opportunities, should be conducted before any guidelines or codes of practices were developed. His group firmly believed a technical meeting to be the correct format for such a review.
- 870. Speaking on behalf of the Africa group,** a Government representative of Uganda acknowledged the importance of supporting decent work in the arts, entertainment and civil aviation sectors. He welcomed the policy guidelines for the promotion of decent work in the agri-food sector given the substantial employment opportunities generated by that sector in Africa. There should be greater emphasis on public-private partnerships in sectoral work. His group supported the proposals for global sectoral meetings in the first to third quarters of 2024, as well as the draft decision as prepared by the Office. It was, however, amenable to the amendment proposed by the Employers' group since it was of the view that the meeting on decent work in the railways sector should take the form of a technical meeting.
- 871. Speaking on behalf of GRULAC,** a Government representative of Mexico said that GRULAC considered that the recommendations of the technical meeting on the future of work in the arts and entertainment sector reflected the challenges to securing decent work in the sector, including in relation to protecting the interests of indigenous and tribal peoples, bridging the digital divide and protecting copyright. Her group agreed with the conclusions of the technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector and acknowledged the challenge of attracting and retaining workers in the industry, as well as the need to ensure companies' sustainability in the context of environmental transition and

technological innovation. The agreement on the need to develop fatigue risk management programmes and address mental health, stress and other health hazards was welcome, as were the recommendation to tackle gender discrimination and the agreed action to ensure policy coherence at the international level through cooperation between the ILO and the ICAO.

- 872.** The proposed dates for the second meeting of the Joint ILO/International Maritime Organization (IMO) Tripartite Working Group to identify and address seafarers' issues and the human element were acceptable. Her group would await the study on fundamental principles and rights at work in the world of sport before taking a decision on the date of the related technical meeting. GRULAC was of the understanding that consultations on the format of the meeting on the railways sector had yet to conclude.
- 873. Speaking on behalf of IMEC,** a Government representative of Germany noted that the late publication of document GB.349/POL/3 had given his group little time to prepare for the discussion. The outcomes and recommendations of sectoral meetings should influence policies and actions in the relevant sectors and future policy developments within the ILO. The Office should strengthen its analysis of the sector-based data that it collected, and he wished to know how the efficiency of such analyses could be improved. Any reporting mechanism should be methodical and coordinated, and the Office should report to the Governing Body on developments in that regard. Furthermore, the Office should provide invitation letters and sufficient detail on the content of sectoral meetings in a timely manner to allow constituents to prepare meaningfully for meetings.
- 874.** Tripartite consultation on a possible review of the list of sectors should be undertaken as a matter of priority. IMEC fully supported such a review to reflect evolving realities in the world of work as well as ensuring that the sectors covered by the Office remained current and aligned with contemporary economic and social trends. The Office should inform the Governing Body of how it intended to approach the review. A meeting of experts on social dialogue in the world of sport should be organized as soon as possible. IMEC believed that the amendment proposed by the Employers' group limited the scope of the proposed meeting on decent work in the railways sector; the original better reflected the mandate of the ILO. His group supported the amendment proposed by the Workers' group.
- 875. A Government representative of Indonesia** stressed that the impact of digital technologies, collaboration and demographic changes in the arts and entertainment sector required careful consideration and commended the adoption of conclusions and recommendations aimed at guiding future action in that regard. His Government took particular interest in the discussion of occupational safety and health at the technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector and supported the adoption of conclusions and recommendations for further action. It also welcomed the diversity of perspectives represented at the meeting of experts on decent work in the agri-food sector and the resulting policy guidelines. Indonesia supported the proposed Joint ILO/IMO meeting to adopt guidelines for the medical examination of fishers, the Joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element, as well as the technical meeting on the promotion of decent work and a just transition in the building materials industry, including cement. The review of the list of sectors should involve thoughtful and inclusive consultation.
- 876. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that the Office would endeavour to come up with proposals for the review of the list of sectors for consideration by the Governing Body. The systemic collection of sectoral data was complicated by the limited size of the sample of labour force surveys and

the lack of sufficient resources, including staff, to collect and process microdata on a systematic basis and in a manner that ensured data quality. Steps were already being taken towards introducing an agile system of reporting on the follow-up given to the outcomes of sectoral meetings.

- 877. A representative of the Director-General** (Deputy Director, Sectoral Policies Department) welcomed the participation of the relevant line ministries in sectoral meetings and added that the Office would consider adjusting the invitation process to ensure maximum preparatory time for constituents. This could be done by including information on the matters for discussion in invitations to sectoral meetings and finalizing and circulating the report for discussion and the draft discussion points further in advance of each meeting.
- 878. The Employer spokesperson** said that his group could agree to the amendment proposed by the Workers' group. However, with regard to the meeting on the railways sector, he maintained that rather than narrowing the focus of the meeting, his group's amendment sought to introduce a broader approach, advocating for the inclusion of sustainable enterprises. A meeting of experts could perhaps be organized after the technical meeting on the railways sector to establish guidance. Smaller companies in the railways sector and related supply chains must be taken into consideration.
- 879.** There had been no consensus among the Sectoral Advisory Bodies regarding the convening of a sectoral meeting on the world of sport. Given that the study by the Office on fundamental principles and rights at work in the world of sport was still pending, it would be premature to decide to organize a meeting on the subject. Instead, the Office should provide an update on the study at the next meeting of the Sectoral Advisory Bodies, rather than to the Governing Body. The Employers' group strongly advocated for no more than eight meetings in each biennium and would prefer for the number of meetings to be reduced to four or five to free up resources for other activities, including the implementation of recommendations resulting from sectoral meetings.
- 880. The Worker spokesperson** said that the reference to sustainable enterprises in the amendment proposed by the Employers' group was unnecessary; they were not an integral part of the railways sector, and the subject could be raised by meeting participants if they so wished.
- 881. Speaking on behalf of GRULAC**, a Government representative of Mexico said that in the interests of consensus, her group would support the convening of a meeting on the railways sector as a technical meeting as proposed by the Employers' group, although consultations on that meeting should continue and its focus should be as reflected in the original draft decision.
- 882. Speaking on behalf of the Africa group**, a Government representative of Uganda aligned himself with the statement made on behalf of GRULAC regarding the convening of a technical tripartite meeting.
- 883. Speaking on behalf of IMEC**, a Government representative of Germany also expressed support for GRULAC's statement.
- 884. The Employer spokesperson** while welcoming the consensus on the format of the meeting, expressed regret that sustainable enterprises would not be explicitly included in the scope of the meeting.
- 885. The Worker spokesperson** said that his group could agree to the holding of a technical tripartite meeting.

- 886. The Chairperson** suggested that the text after “promotion of decent work” should be deleted from the amendment proposed by the Employers’ group.
- 887. The Employer spokesperson** said that only the words “an enabling environment for sustainable enterprises and a just transition in the railways sector,” should be deleted from his group’s proposed amendment.
- 888. Speaking on behalf of GRULAC**, the Government representative of Mexico proposed deleting the words after “technical tripartite meeting” from the wording proposed by the Employers’ group.
- 889. The Employer spokesperson and the Worker spokesperson** agreed to that subamendment.

Decision

890. The Governing Body:

- (a) approved the records of proceedings of the three meetings referred to in section I of document GB.349/POL/3 and authorized the Director-General to publish them;
- (b) requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB. 349/POL/3;
- (c) authorized the Director-General to publish the policy guidelines for the promotion of decent work in the agri-food sector;
- (d) endorsed the proposals contained in Appendix I to document GB. 349/POL/3 relating to the dates, duration, official title, purpose and composition of the meetings listed therein;
- (e) decided that the meeting on decent work in the railways sector shall take the format of a technical tripartite meeting;
- (f) requested:
 - (i) the Office to inform the Governing Body on how the Office had followed up on the conclusions and recommendations of technical meetings as well as the outputs of meetings of experts;
 - (ii) that consultations within the Office as well as with constituents be organized on the review of the list of sectors with a view to reporting back in a future session of the Governing Body.

(GB.349/POL/3, paragraph 28, as amended by the Governing Body)

Development Cooperation Segment

4. Enhanced programme of development cooperation for the occupied Arab territories (GB.349/POL/4(Rev.1) and GB.349/POL/4(Add.1))

- 891.** The Governing Body had before it an amendment to the draft decision, proposed by the Arab group and circulated by the Office, which read:

30. While gravely concerned and deeply saddened by the loss of ~~life in the ongoing armed conflict~~ lives in the region, the Governing Body:

- (a) acknowledged that the current situation in the region-occupied Arab territories rendered the continuation of the ILO's technical assistance in its current form extremely difficult and in some areas impossible, while at the same time provision of relief for and support to affected workers and employers has taken on further urgency;
- (b) recalled the Director-General's Reports to the International Labour Conference, the last of which to the 111th Session of the International Labour Conference (2023) on "The situation of workers of the occupied Arab territories" and requested the Office to take all necessary measures in response to the observations and conclusions therein, and in light of the urgent and increased needs emerging from the crisis situation;
- (c) ~~requested the Director General to respond to immediate needs and calls for urgent assistance from workers and employers in occupied Arab territories, and develop a longer term crisis response plan to actively contribute to subsequent coordinated Humanitarian, Development and Peace sectors (HDP) Nexus response mechanisms in the region from the perspective of the ILO's mandate called for an immediate humanitarian ceasefire, and underscored the obligation to respect international humanitarian law and international human rights law;~~
- (d) called for the immediate opening of safe corridors for humanitarian aid to address the critical shortage of all vital necessities which is severely hampering the daily lives of Palestinian workers and humanitarian workers;
- (e) expressed grave concerns at the deterioration of the situation in Gaza, in particular reports of ongoing military attacks on civilian facilities, such as hospitals, schools and businesses, and its severe impact on workers and their livelihoods and on employers;
- (f) welcomed the Director-General's response programme for immediate assistance in paragraph 7 of document GB.349/POL/4(Add.1) to respond to immediate needs and calls for urgent assistance from workers and employers in the occupied Arab territories, and called on the Office to prioritize the safeguarding of wages and social benefits to affected workers;
- (g) requested the Director-General to submit for the consideration of the 350th session (March 2024) of the Governing Body a report which should be used as the basis for the development of a more detailed action plan to address the impact of the current crisis situation, and would contain:
 - (i) the work undertaken by the ILO to support tripartite constituents;
 - (ii) proposals for all additional measures that can be taken by the ILO to promote social justice and strengthen the ILO's mandate in the occupied Arab territories and mitigate the devastating impact of the current situation;
 - (iii) an update of the Director-General's recent annual report submitted to the International Labour Conference regarding the impact of the current situation on the tripartite constituents, labour market and working condition, and the ILO's work, including the implementation of the current Decent Work Programme 2023-2026;
- (eh) ~~called on~~ urged Member States to provide financial resources for the ILO programme in the Occupied Palestinian Territory, providing support to realize decent work within the context of wider United Nations' efforts for relief and recovery and to this end, work with the donors to articulate the mobilization of dedicated financial resources.

892. A Government representative of Saudi Arabia speaking on behalf of the Arab group, noted that the proposed amendment had been submitted to reflect the difficult humanitarian conditions faced by Palestinian workers and the wider population in Gaza.

893. The Worker spokesperson said that the tragic events of recent weeks were cause for deep sorrow, concern and anger, and had destroyed all efforts to date to promote social justice in the occupied Arab territories. The ILO should maintain its presence in the region to demonstrate solidarity with workers and the wider population. The Workers' group conveyed a message of compassion and solidarity to all civilian victims of the conflict, and to the people

and workers of Palestine. The attacks carried out by Hamas and the disproportionate punishment inflicted on the Palestinian people in response by the Israeli armed forces were appalling and unacceptable, and would not help protect civilians, end the occupation or restore peace.

894. Thousands of Gazans working in Israel had been prevented from returning home, expelled from their places of work, transferred to the West Bank and rendered homeless. They had experienced physical aggression and had their personal belongings, identity cards and entry permits confiscated. The Palestinian General Federation of Trade Unions (PGFTU) was supporting some of those workers through its branches in the West Bank, but thousands had been arrested and imprisoned and others taken hostage. The Director-General should use his authority to secure their liberation.
895. The Palestinian economy would take a long time to recover from the destruction of infrastructure, the closure of businesses and the attendant loss of jobs. Amid the chaos, much-needed humanitarian aid could not reach the population. She therefore called for the immediate and unconditional delivery of humanitarian aid, in accordance with international humanitarian law, notably Article 33 of the Geneva Convention (IV); all United Nations (UN) agencies, humanitarian organizations and international trade union federations should work together to ensure that assistance could be provided. There must also be an immediate ceasefire and the siege on Gaza must be suspended so that the population could receive basic necessities. All parties must respect international humanitarian law and ensure that civilians, and hospitals, schools and places of worship were protected at all times.
896. Renewed international attention must be given to achieving peace between two sovereign, independent and viable States. Her group supported the two-state solution in line with the relevant Security Council resolutions, and full implementation of UN Security Council resolutions 242 (1967) and 338 (1973). The ILO believed in multilateralism and should play a leading role in seeking to build lasting peace through diplomacy and dialogue, notably by actively engaging with the social partners. Her group welcomed the Organization's emergency response, particularly the support provided to the PGFTU, and called for further assistance from donor countries to meet immediate needs. The Office should act quickly to implement the emergency interventions identified in paragraph 6 of the addendum. The three-phase response programme set out in paragraph 7 was commendable and should ensure an efficient response; hopefully it would soon be possible to initiate the third phase, recovery, in line with the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). A fourth phase on reparation should also be incorporated based on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. In conclusion, she reaffirmed her group's commitment to social justice and peace for all ILO constituents. Her group could accept the proposed amendment but remained open to further suggestions from other constituents in the spirit of consensus.
897. **Speaking on behalf of the Arab group**, a Government representative of Libya thanked the Office for document GB.349/POL/4(Rev.1), which demonstrated the impacts of the occupation: increased violence, deteriorating economic and social conditions, high levels of unemployment and threats to the livelihoods of all Palestinian workers. She noted the ILO's efforts to support the labour market and enhance social protection through the Palestinian Decent Work Programmes. However, it was deeply regrettable that the recent tragic events and ongoing military attacks on Gaza had undermined progress in implementing the development cooperation programme and other projects aimed at improving conditions and alleviating the

effects of colonialism on the population of the Occupied Palestinian Territory, including workers and their families.

- 898.** The Arab group strongly condemned the Israeli aggression against Gaza and denounced all unjustified violations by the Israeli occupying authorities, which constituted a flagrant violation of international humanitarian law and would have serious repercussions for regional stability and on regional and international peace and security. The humanitarian situation continued to deteriorate; 1.3 million residents of Gaza had been forcibly displaced, thousands had been killed and thousands more injured, while the widespread destruction of residential buildings and basic civilian infrastructure, including schools, medical and educational facilities and water networks, was having a serious impact on the population, including workers and their family members. According to the Palestinian Ministry of Labour, 3,000 workers from Gaza had been arrested inside Israel and tens of thousands of Palestinian workers in Israel had lost their jobs or been expelled since 7 October.
- 899.** In that context, her group welcomed the Director-General's support for the UN Secretary-General's call for an immediate ceasefire, and echoed that call. The massacres and collective punishments imposed by the Israeli occupying authorities on civilians in Gaza, including workers and members of their families, must end immediately and a humanitarian corridor must be opened to facilitate safe access to basic supplies and services for all civilians in need there. The ILO should take the necessary measures to provide emergency humanitarian aid to those affected and to improve the conditions of the social partners in the Occupied Palestinian Territory. The Arab group urged the Governing Body to adopt its proposed amendment to the draft decision.
- 900. Speaking on behalf of the majority of countries in the Asia and Pacific group,** a Government representative of Indonesia expressed support for the proposed amendment. He strongly condemned recent acts of violence by the Government of Israel in Palestine, including the targeting of Al-Ahli Hospital, which had resulted in the loss of innocent lives and injury to civilians, including health workers. An immediate ceasefire was paramount, and the creation of humanitarian corridors to ensure the safe passage of aid to those in need was imperative. Without a durable solution, the ILO's programmes could not realize their potential; its aspirations to promote decent work, social justice, freedom of association and collective bargaining would be constrained by the persistent instability in Palestine. The promise of dignified employment, fair wages and inclusive growth depended upon sustained commitment to a meaningful peace process that supported the inalienable rights of Palestinians, notably, the right to self-determination, the right to return and the right to an independent Palestinian State with Jerusalem as its capital. That would make it possible to build a future for the region, where the benefits of labour and industry could be fully harnessed for the betterment of all.
- 901.** The high unemployment levels and lack of decent jobs reflected in the document were deeply troubling and had economic and humanitarian implications. Immediate, coordinated and transformative interventions were needed to pave the way for long-term employment solutions. Acknowledging the importance of the Palestinian National Employment Strategy for 2021–25, he called on the international community to expedite financial and technical assistance to ensure its effective implementation and expressed support for the emerging priorities for new programme development listed in paragraph 29 of the document. The Strategy could, potentially, both address the employment challenge and contribute to broader Sustainable Development Goals in the region.

- 902.** Member States, development partners and donors should work together to increase their financial and technical support in the interest of finding a lasting solution. Strengthening those partnerships would be vital to ensure that Palestinians could access decent work opportunities and social protection. Given the current escalating violence and expanding illegal settlement activities supported by the Israeli occupying forces, a timely, collective response and strong commitment was required. In that regard, his group affirmed its dedication to working alongside the ILO and other Member States to make a meaningful impact on the lives of Palestinian workers and contribute to peace and social justice in the region.
- 903. Speaking on behalf of the EU and its Member States,** a Government representative of Spain reiterated their condemnation in the strongest possible terms of Hamas for its brutal and indiscriminate terrorist attacks across Israel and strongly emphasized Israel's right to defend itself in line with international law and international humanitarian law. She reiterated their call on Hamas to immediately release all hostages without any precondition. Civilians must be protected at all times in line with international humanitarian law.
- 904.** Gravely concerned about the deteriorating humanitarian situation in Gaza, the EU and its Member States called for continued, rapid, safe and unhindered humanitarian access and aid to reach those in need using all measures necessary, including humanitarian corridors and pauses for humanitarian needs. They would work closely with partners in the region to protect civilians, provide assistance and facilitate access to food, water, medical care, fuel and shelter, ensuring that such assistance was not abused by terrorist organizations. They recalled the need to avoid regional escalation and to engage with relevant partners, including the Palestinian Authority. The EU and its Member States stood ready to contribute to reviving a political process on the basis of the two-state solution, welcomed diplomatic peace and security initiatives and supported the holding of an international peace conference in the near future.
- 905.** She welcomed the issuance by the Office of an addendum to document GB.349/POL/4/(Rev.1) and supported the provision by the ILO, within the terms of its mandate, of emergency assistance to communities affected by the armed conflict. The EU and its Member States could have supported the original draft decision in the document, but wished to examine the amendments introduced at short notice by the Arab group and consider the broader debate before providing an opinion.
- 906. Speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC),** a Government representative of Oman offered condolences to the families of Palestinians killed or injured by the attacks perpetrated against them. He reaffirmed his group's support for the ILO's work in Palestine, expressing deep concern at the significant damage to the labour market caused by the occupation and the persistence of violence and arbitrariness, particularly given the deteriorating socio-economic situation, high unemployment levels and the threat to the livelihoods of Palestinian workers. He strongly condemned Israel's recent aggression against Gaza, which was undermining efforts to mitigate the impact of the Israeli occupation on Palestinians, including workers and their families. The GCC condemned in the strongest terms Israel's aggression against Gaza and deplored all serious violations by the Israeli occupying authorities of international humanitarian law, including the indiscriminate bombardment and killing of defenceless civilians and the use of internationally prohibited weapons. Some 1.3 million people had been forced to flee their homes, seeking refuge from almost daily Israeli bombardment. Their places of refuge, including places of worship, hospitals and schools, had not been spared. Further such flagrant violations of international humanitarian law and treaties would have serious repercussions for regional stability and

regional and international peace and security. Further joint efforts to bring about peace were needed.

907. The reported expulsion of thousands of Gazan workers from Israel would worsen living conditions for their families and sow further chaos. The GCC therefore called on the ILO to take measures to guarantee the rights of Palestinian workers and the necessary measures in response to the unlawful practices of the Israeli Government and its collective punishment of the population of Gaza and the Palestinian people, which had exacerbated labour market tensions and further degraded the socio-economic conditions of Palestinian workers and their families. It also called on the Office to establish a mechanism whereby specific measures could be taken on the ground in connection with the outputs of the Director-General's Report on the situation of workers in the occupied Arab territories. The GCC supported the proposed amendment.
908. **Speaking on behalf of the Organization of Islamic Cooperation (OIC)**, a Government representative of Pakistan recalling the Preamble to the ILO Constitution, said that the values of social justice, humanity and a yearning for enduring peace were the foundation of the OIC's work at the ILO. The targeted destruction of Gaza and its people was currently the biggest threat to those values. He expressed grave concern at the devastation, loss of lives and destruction of livelihoods in Gaza. The impact on workers in the area presented a huge ongoing challenge.
909. Both document GB.349/POL/4(Rev.1) and the Director-General's latest Report on the situation of workers of the occupied Arab territories painted a sobering picture of the Palestinian economy and its impact on employment, social welfare and sustainable livelihoods. Workers continued to suffer the socio-economic consequences of the 56-year occupation and remained trapped in poverty; recent events had only added to their woes.
910. The declining financial capacity of the Palestinian Authority impacted its ability to support employment. In that regard, Israel's unilateral deductions from clearance revenues and decreasing external funding merited attention. The ILO's development cooperation programme in the occupied Arab territories had made an important contribution to the outcome of the second and third Palestinian Decent Work Programmes; countries that had contributed to it should continue their partnerships with the ILO in the wake of the ongoing violence and concerned Member States should build partnerships with the ILO as part of an empathetic response. The document clearly demonstrated how joint efforts and collaboration with the ILO could help to create and provide access to economic opportunities that were inclusive, resilient and sustainable. He therefore supported the call for Member States, development partners and donors to provide financial support for the implementation of ongoing projects and the rehabilitation work required in the aftermath of recent tragedies.
911. He expressed solidarity with the people and workers of the occupied Arab territories and reiterated his support for international calls for the immediate cessation of hostilities, as well as an end to the illegal Israeli occupation. He called on the Office to develop a strategy to address the ongoing crisis facing the social partners in the occupied Arab territories and share a detailed follow-up report at the next session of the Governing Body. He supported the proposed amendment.
912. **Speaking on behalf of the Africa group**, a Government representative of Sudan welcomed the implementation of the ILO programme of development cooperation in the occupied Arab territories. The recent escalations had negatively affected planned activities and had a severe impact on workers and employers. He commended the Office's initial response to the situation, as outlined in the addendum, including the emergency interventions and urgent assistance in

support of workers and employers. His group also welcomed the extensive discussions on amendments to the Palestinian Labour Law, which were crucial to improving working conditions, and noted the achievements made towards strengthening social dialogue platforms to advance on social security reforms.

913. Unemployment in Gaza was among the highest in the world. With more than 50 per cent of the population forcefully displaced, the current escalation had further worsened the devastating work environment in the Occupied Palestinian Territory. His group therefore supported the Office's efforts to ensure more predictable and sustainable financing in the occupied territories, which would contribute to enhancing employment opportunities and livelihoods for Palestinians. They also welcomed the support for the programme of development cooperation and requested the Governing Body to support the Office's work with Member States, development partners and donors to provide financial support for the implementation of the Palestinian National Employment Strategy for 2021–25 and the ILO's three-phase response programme.
914. He expressed grave concern at the deterioration of the situation in the Occupied Palestinian Territory and its severe impact on workers, employers and work environments, a situation further worsened by the lack of humanitarian access. His group fully supported the UN Secretary-General's call for an immediate humanitarian ceasefire, and the call for an end to the collective punishment imposed on the civilian population in Gaza, including the immediate release of thousands of detained workers and the opening of a humanitarian corridor. He requested the Director-General to monitor the situation closely and submit a follow-up report to the next session of the Governing Body, with a view to addressing the impact on the ILO's work. He supported the proposed amendment.
915. **A Government representative of Colombia** expressed concern about the language used in paragraph 1 of the addendum. The actions of the Israeli security forces in Gaza in densely populated civilian areas, resulting in the loss of more than 8,000 lives including hundreds of children, were a serious violation of the human rights of the Palestinian people and must be repudiated.
916. Thousands of people had been left without work or any means of subsistence. Essential goods and services must therefore be provided for all civilians in Gaza immediately and on a continuing basis. The ILO must request the immediate opening of humanitarian corridors to mitigate the situation for Palestinian and humanitarian workers. It was time to initiate dialogue, put an end to the disproportionate military attacks against the Palestinian people. An international peace conference should be convened as soon as possible, alongside efforts to protect nature, as both war and environmental threats posed a risk to the planet and the future of humanity.
917. Colombia supported the proposed amendment. The Governing Body must call for an immediate humanitarian ceasefire and insist on the obligation to respect international humanitarian law and international human rights law. The genocide of the Palestinian people must stop.
918. **A Government representative of Algeria** condemned the siege and its deleterious implications for Palestinians, in particular workers in Gaza, and strongly condemned the Israeli military aggression against the civilian population, which had caused enormous loss of life. She called for an immediate ceasefire and urged the ILO, in coordination with other UN agencies, to take immediate action to put an end to the inhumane situation and uphold the fundamental rights of Palestinians in general, and workers in particular, to live in peace, security and dignity.

919. She recognized and supported the ILO's work to promote decent work and improve living conditions in the occupied Arab territories, particularly in the Occupied Palestinian Territory. The socio-economic situation there remained a grave concern; it was exacerbated by a blockade that deprived all Palestinians of basic essentials and increased the difficulties faced by workers, most of whom were unemployed. Persistently high unemployment levels, particularly among women and young people, were of particular concern.
920. Her Government welcomed the initiatives taken under the Palestinian Decent Work Programme and strongly supported the ILO's actions, including those relating to access to economic opportunities and quality social services, as well as the Director-General's proposal for a three-phase response to the current situation. She called on the ILO, its Member States, development partners and donors to strengthen their support to promote social justice and guarantee respect for decent work. Algeria remained committed to supporting the ILO's work and working to ensure dignified living conditions for the people in the occupied Arab territories in general, and the Occupied Palestinian Territory in particular. She supported the proposed amendment.
921. **A Government representative of the United States** said that she mourned the victims of the 7 October terrorist attack by Hamas and expressed condolences to the families of the Palestinian civilians killed or injured during the conflict. Her Government stood with Israel and supported its right to defend itself. Israel, like all States, must adhere to international humanitarian law. Her Government recognized the legitimate aspirations of the Palestinian people and supported equal measures of justice and freedom for both Israelis and Palestinians. Hamas did not represent those aspirations and had only perpetuated the suffering of the Palestinian people. The United States was working to reunite hostages with their families and increase the flow of humanitarian aid into Gaza. She expressed appreciation for the ILO's emergency interventions to support workers and enterprises in light of the current situation and supported the redirection of resources for the proposed three-phase response programme. The ILO should continue to coordinate with other United Nations agencies in that regard.
922. To enable consensus and give clear direction to the Office regarding how best to continue its mandate to deliver development cooperation and support decent work in the West Bank and Gaza, she proposed a subamendment to subparagraphs (c), (d) and (e) of the amendment proposed by the Arab group, which read:
- (c) ~~called for an immediate humanitarian ceasefire, and~~ underscored the obligation to respect international humanitarian law ~~and international human rights law;~~
 - (d) called on all parties to promptly allow and facilitate, consistent with international humanitarian law, the full, rapid, safe, and unhindered humanitarian access, including by adopting practical steps, such as the establishment of fully secured humanitarian corridors respected by all parties and other initiatives for the sustainable delivery of humanitarian aid to civilians throughout Gaza for the immediate opening of safe corridors for humanitarian aid, to address the critical shortage of all vital necessities which is severely hampering the daily lives of Palestinian workers and humanitarian workers;
 - (e) ~~expressed grave deep concerns at the deterioration of the humanitarian situation in Gaza; in particular reports of ongoing military attacks on civilian facilities, such as hospitals, schools, and businesses, and its severe impact on~~ and its grave impact on the civilian population, including workers and their livelihoods and on employers, and especially the disproportionate effect on children and women, underlining the urgent need for full, rapid, safe and unhindered humanitarian access, and stressing the humanitarian principles of humanity, impartiality, neutrality and independence;

- 923. A Government representative of Australia** said that her Government did not align with the statement delivered on behalf of the majority of ASPAG, as it had not recognized the terror group Hamas as the perpetrator of the 7 October attacks. She condemned the actions of Hamas and called for the immediate and unconditional release of all hostages held in Gaza. Israel had a right to defend itself, but how it defended itself mattered: civilian lives should be protected and international humanitarian law must be observed. Her Government's position had always been to support the pursuit of progress towards a just and enduring two-state solution. Hamas's actions had precipitated a devastating humanitarian situation in Israel and Gaza. There must be humanitarian pauses of hostilities to allow essential supplies to reach people in desperate need and to allow civilians to reach safety. She commended the ILO and the tripartite partners for their work to build peace and social justice, for the sake of all Palestinian workers. She supported the subamendment proposed by the Government representative of the United States.
- 924.** The delegation of Kiribati had asked her to also put on record that it did not align with the majority ASPAG statement.
- 925. A Government representative of Indonesia** aligned himself with the statement made by the Arab group. He strongly condemned the recent acts of violence in the Occupied Palestinian Territory, which had resulted in the tragic loss of innocent lives. There needed to be an immediate ceasefire, and humanitarian corridors must be created to ensure the safe passage of aid. The alarming rates of unemployment, particularly among women and young people, required immediate coordinated action. Indonesia supported the need for transformative interventions that could pave the way for long-term employment solutions. The emerging priorities for new programme development were all highly relevant and deserved attention and support. He called on Member States, development partners and donors to increase their collaborative efforts, both financially and technically, to ensure that the Palestinian people could have access to decent work opportunities and social protection. Indonesia reaffirmed its dedication to working alongside the ILO and fellow Member States to address the pressing challenges in the Occupied Palestinian Territory.
- 926. A Government representative of Namibia** said that she condemned the violence and extended her condolences to the friends and family of those who had lost their lives in the conflict. A ceasefire was necessary to protect civilians and allow access to humanitarian aid. She welcomed the Office's emergency intervention to support workers and employers and the three-phase response programme, and reaffirmed her support for the legitimate struggle of the Palestinian people against the Israeli occupation.
- 927. A Government representative of France** expressed his utmost condemnation for the terrorist attacks carried out by Hamas against Israel in October 2023. He said that Israel had the right to defend itself and called for the immediate and unconditional release of all hostages. International law applied to all countries, including Israel, and civilians must be protected. Given the increasing numbers of Palestinian civilian victims and the urgent humanitarian situation in Gaza, safe, rapid, unimpeded and lasting access must be guaranteed for humanitarian workers to Gaza. A humanitarian truce and a two-state political solution to the conflict were needed, and he encouraged the ILO to provide all possible assistance to workers and their families in the Occupied Palestinian Territory. Given the gravity of the situation and the need for a consensus-based decision, he supported the subamendment proposed by the Government representative of the United States.
- 928. A Government representative of the United Kingdom** expressed his condolences to all Palestinian and Israeli people who had suffered or lost loved ones in the recent conflict. He

said that the Palestinian people were also victims of Hamas, a terrorist organization that did not speak for, or act in the interests of, the Palestinian people. In view of the growing humanitarian crisis, the ILO must work to ensure that more humanitarian support entered Gaza, and the UK Government had announced a further £30 million in humanitarian assistance to the region. Humanitarian pauses in the conflict were required to ensure a constant flow of aid; however, a full ceasefire would only allow Hamas to entrench itself and launch further attacks on the people of Israel. He supported the amendment proposed by the Arab group with the subamendment proposed by the Government representative of the United States.

- 929. A Government representative of Canada** said that she wished to extend her deepest condolences to the families of all victims of the conflict following the brutal terrorist attacks perpetrated by Hamas against Israel. She supported Israel's right to defend itself in accordance with international law and stood firmly with Israeli and Palestinian workers, employers and their families. Healthcare and humanitarian workers must be protected in all circumstances, and the rapid and unimpeded access of humanitarian workers was essential; humanitarian pauses should be considered to that end. She shared the Office's concerns regarding the impact of the conflict on the region's economy and labour market, and commended the work of ILO staff in the region. She supported the subamendment proposed by the Government representative of the United States.
- 930. A Government representative of Germany** condemned the horrific and unjustifiable terrorist attacks carried out by Hamas, and expressed his support for Israel and its efforts to defend its population, while recognizing the right to self-determination of the Palestinian people. He said that Hamas only brought death and suffering to Israel and Gaza, and did not represent the Palestinian people. While Governments' perspectives on the conflict differed, they all shared the common goal of bringing an end to the suffering of people in the Middle East. Lasting peace could only be achieved through a two-state solution. In view of the need for rapid and unhindered humanitarian aid, his Government had provided €50 million in emergency assistance.
- 931. A Government representative of Bangladesh** aligned himself with the statement of the Arab group. He expressed condemnation for the barbaric attacks on unarmed civilians by Israel, and the detention and expulsion of Palestinian workers in Israel. The attacks on hospitals and civilian infrastructure by Israeli forces could only be described as crimes against humanity, and the Appendix to the Director-General's Report should be updated to reflect that. He expressed concern at the lack of long-term international funding to support the Palestinian National Employment Strategy; the ILO's one-size-fits-all approach to collective bargaining and social dialogue when Palestinian workers were being treated like human animals and deprived of fundamental rights; and the lack of progress in job creation and social protection for Palestinian workers, including those in Israeli settlements. He urged the Office to present to the Governing Body an analysis of development cooperation expenditure for Palestine; design projects prioritizing job creation, skill development and social protection; and build an international coalition to restore social justice for the Palestinian people. The immediate end of the illegal occupation was a precondition for a lasting solution to the crisis, and he urged the international community to use dialogue and diplomacy to end Israel's war of aggression. An immediate ceasefire and the opening of safe corridors for humanitarian aid were needed. He supported the amendment proposed by the Arab group.
- 932. A Government representative of Cuba** said that the Israeli occupation and the resulting conflict in Gaza had not only severely impacted the rights of workers, but had created a dire humanitarian situation. He condemned in the strongest terms the murder of civilians on both sides and of United Nations humanitarian workers. The ILO had a duty to show unwavering

support for the tripartite constituents that had been victims of the conflict; protect the safety of employers, workers and their families; and consider the long-term implications of the displacement of the workforce and destruction of places of employment. He supported the amendment proposed by the Arab group. The present situation in Gaza was the result of decades of Israeli practices of illegal occupation and settlement, in flagrant violation of the inalienable rights of the Palestinian people in their own territory, and of long-standing disregard for the purposes and principles of the Charter of the United Nations and international law, including numerous relevant UN resolutions. Cuba strongly opposed the death of civilians and innocent people from all sides to the conflict, irrespective of ethnicity, nationality or religious faith; and it condemned in the strongest possible terms the murder of civilians, in particular women, children and UN system humanitarian workers; as well as the indiscriminate bombardment of the population in Gaza and the destruction of homes, hospitals and civil infrastructure. Depriving the population of Gaza of water, electricity and fuel services constituted a grave violation of international humanitarian law.

- 933. A Government representative of the Islamic Republic of Iran** said that the continuous and indiscriminate bombardment of Palestine by the Israeli occupiers constituted genocide, crimes against humanity and war crimes. The situation of innocent workers and employers in Gaza had worsened and the danger of ethnic cleansing against Palestinians had increased. Relentless attacks on civilians and infrastructure, including hospitals, had forced Palestinians to flee while aid channels had been blocked. It was shocking that Palestinian freedom fighters were being blamed for the current conflict and that the 70 years of occupation of Palestinian territory were being ignored, and it was appalling that Governments that vociferously advocated human rights opposed parts of an amendment that called for the occupier to observe international human rights law. She called for international cooperation to stop the brutality and human rights violations by the occupying forces, the immediate deployment of humanitarian aid, observance of international human rights law, and further assistance from the ILO to workers and employers in Palestine.
- 934. A Government representative of Mexico** said that she condemned the terrorist attacks by Hamas against the Israeli population and recognized Israel's right to ensure its security in accordance with international law and the principles of necessity and proportionality. She supported the call for the hostages to be freed, who included Mexican nationals. She also condemned any attack that was indiscriminate or targeted against the civilian population, medical or humanitarian personnel, and essential infrastructure; expressed concern at the effects of conflict on Palestinian workers in the occupied Arab territories; and called for an immediate and lasting cessation of hostilities. The ILO should make every effort to provide urgent assistance to workers and employers and devise a long-term plan for crisis response, development assistance and peacebuilding. A comprehensive and definitive political solution was needed that allayed Israel's legitimate security concerns and consolidated a politically and economically viable State of Palestine within internationally recognized borders. She supported the amendment proposed by the Arab group but would welcome further discussion on the subamendment proposed by the Government representative of the United States in order to achieve consensus.
- 935. A Government representative of Iraq** said that the events in Gaza constituted a grave violation of humanitarian law and ILO standards.
- 936. A Government representative of China** said that the key to breaking the cycle of Palestinian-Israeli conflict was the resumption of peace talks and the establishment of an independent Palestinian State. He endorsed the ILO's efforts to provide technical support to workers and employers in the occupied Arab territories, strengthen communication and coordination with

the relevant United Nations agencies and minimize the negative impact of the conflict on the region's economy. He supported the amendment proposed by the Arab group, which focused on humanitarian assistance and were in line with the ILO's mandate.

- 937. A Government representative of Saudi Arabia** called for an immediate ceasefire in Gaza and for the international community to stop all forms of military escalation, and denounced Israel's ongoing attacks against defenceless civilians. She said that the peace process should be advanced in line with United Nations resolutions and the Arab Peace Initiative, and a Palestinian State should be established according to its 1967 borders, with East Jerusalem as its capital. The international community should renounce its double standards and selective application of international law when it came to Israel's actions. The recent conflict had undermined the progress made in implementing the ILO development cooperation programme intended to improve the living conditions of the Palestinian population. Safe corridors for humanitarian aid should be opened immediately, and she urged the ILO to provide emergency assistance to affected workers in the Occupied Palestinian Territory.
- 938. A Government representative of Guatemala** condemned the terrorist attacks perpetrated by Hamas against Israel, which undermined the Palestinian cause and international efforts to achieve peace in the territories, and acknowledged the right of Israel to self-preservation. She recognized the importance of the ILO's work in the area in the scope of the enhanced programme of development cooperation for the occupied Arab territories. Discussions on the draft decision should focus on strengthening that mandate and supporting the Office in fulfilling its responsibility to address challenges facing all social partners affected by the situation in line with its mandate. The amendment proposed by the Arab group went beyond the parameters of the Governing Body's discussion. In the interest of consensus, she expressed support for the subamendment proposed by the Government representative of the United States.
- 939. A Government representative of Italy** condemned Hamas for its brutal and indiscriminate terrorist attacks across Israel and emphasized the right of Israel to defend itself in line with international law. He reaffirmed the importance of ensuring the protection of all civilians in line with international humanitarian law and deplored the loss of any civilian life. He supported the subamendment proposed by the Government representative of the United States.
- 940. Speaking on behalf of the EU and its Member States**, a Government representative of Spain welcomed the subamendment proposed by the Government representative of the United States. Constituents should continue engaging in informal discussions to reach consensus.
- 941. A Government representative of Israel** authorized by the Officers of the Governing Body to speak in accordance with article 1.8.3 of the Standing Orders on a matter concerning the situation in her country, said that some groups had omitted key facts in their interventions, including the killing of 1,400 Israelis and abduction of 240 more. For many years, her Government had warned the international community about Hamas and had demanded that the ILO should investigate the implications of its control on the conditions of the working population in Gaza, but it had been ignored. Since 2021, the income of Gazans working in Israel had increased by 34 per cent and the employment rate of Gazans had risen by 2.7 per cent. Her Government had upgraded the Kerem Shalom crossing and extended the operating hours of the Erez crossing to improve economic conditions in Gaza and the lives of Palestinians with a view to decreasing the chance of conflict in the region. However, a number of Palestinian workers with work permits allowing them to enter Israel had produced detailed maps that had been used by Hamas to target Israeli communities. Hamas had also destroyed the Erez crossing used by 20,000 Palestinian workers each day. Hamas was not a liberation movement

but a terrorist organization that sought the destruction of Israel and endangered the Palestinian people. It had targeted not just Israelis but also foreign workers and students. The impact of the war on labour and the livelihoods of the Palestinian people and Israelis was high; nonetheless, her Government had an obligation to protect its population.

- 942. A Government representative of Türkiye** authorized by the Officers of the Governing Body to speak in accordance with article 1.8.3 of the Standing Orders, said that attacks on civilians and the blockade imposed on Gazan civilians, workers and employers were unjustifiable. International humanitarian law was being openly violated, and a humanitarian catastrophe must be avoided. An immediate ceasefire and unconditional humanitarian access to and within Gaza were urgently needed. He called on the parties involved to work towards lasting solutions. The ILO should continue to take effective measures to tackle the challenges facing the Palestinian labour market and support the efforts of social partners to address the current situation.
- 943. A Government representative of Niger** extended his condolences to the Palestinian victims of the occupation and recent violence. His Government was gravely concerned by the destruction of Gaza and the deterioration of conditions to the point that the ILO's technical assistance had become extremely difficult, or even impossible. In that context, humanitarian aid was vital; the Office should make every effort to maintain its assistance and collaborate with the United Nations and other partners to that end. He supported the draft decision as amended by the Arab group.
- 944. A representative of the Plurinational State of Bolivia** authorized by the Officers of the Governing Body to speak in accordance with article 1.8.3 of the Standing Orders, condemned the disproportionate military attack on Gaza, which had caused thousands of civilian casualties. There must be an immediate ceasefire and action must be taken to alleviate the impact of the current situation. She called for respect for human life and international humanitarian law. She welcomed the amendment proposed by the Arab group.
- 945. The Chairperson** noted the request for the floor from a representative of the Palestinian Authority and indicated that the Officers had considered the matter and, in keeping with past practice, had decided to authorize the representative of the Palestinian Authority to speak.
- 946. A representative of the Palestinian Authority** (Minister of Labour) noted that he was participating remotely as the current restrictions prevented him from travelling internationally. He emphasized that the current problem had begun not on 7 October, but with the start of the illegal occupation. Gaza was a small area under blockade, which was under attack by one of the world's strongest armies. In recent weeks, hospitals, places of worship and schools had been destroyed, thousands of civilians had been killed or injured – two thirds of them women and children – and disinformation had proliferated. Israel was flouting international law and it was high time that its unacceptable campaign was ended.
- 947.** The ILO had continuously called for justice, human dignity and decency to be upheld. Palestinian workers granted permission to work in Israel were not supporters of terrorism, yet they were arrested, persecuted or killed on the basis of their identity, and their wages were stolen; even with an official permit, 8,000 workers had been expelled and another 4,000 workers continued to be held hostage. Moreover, discussions on the economy were meaningless when business premises had been destroyed.
- 948.** He thanked the Office, in particular its staff in Beirut and Jerusalem, for its ongoing support in recent weeks and for its unwavering support for the Palestinian Decent Work Programme. He appealed to the Governing Body to call for an end to the war, in which thousands of civilians

were being massacred. Access to electricity, water, food and humanitarian assistance must be secured for Gaza. A recovery programme was needed to help Palestinian workers and to build on what could be salvaged of the Palestinian labour market. He thanked all parties that supported justice and humanity and reaffirmed the commitment of the Palestinian Authority for a two-state solution to provide peace, security, prosperity and stability.

- 949. The Employer spokesperson** condemned the unacceptable acts of terrorism, attacks and violence that had been committed and expressed solidarity and empathy with all victims. The path to political stability, security and sustainable development was closely linked to the pursuit of peace. The ongoing conflict in the region had significantly affected the business landscape, workers' rights, freedom of movement and access to vital services, resources and decent work opportunities. An ongoing fiscal crisis had hampered the governance capabilities of the Palestinian Authority, restricting the provision of essential public services and exacerbating the economic challenges faced by Palestinians.
- 950.** The situation in the occupied Arab territories had been included on the agenda of the Governing Body and the Conference for many years. Attention had been drawn to the profound impact of the occupation on jobs, businesses, peace and stability in the region, as well as the ILO's efforts to enhance economic opportunities, fortify governance institutions and support social partners. The ILO had been instrumental in promoting social dialogue in the region, particularly in the review of the Palestinian Social Security Law, and had worked to ensure that such laws were consistent with international benchmarks and best practices. Regrettably, those hard-won achievements were now under threat from escalating violence, with profound implications for the employment landscape and labour market in the region as well as enterprise sustainability, job creation and economic development.
- 951.** While a holistic resolution required a political strategy, the ILO, as an organization rooted in the principles of social justice, was duty-bound to act. Its mandate to advocate for peace through social justice and decent work remained pivotal. However, the independent high-level evaluation of the ILO's post-conflict and recovery work in the Arab States region, with emphasis on Iraq and Yemen (2019–23), had noted that the ILO had not effectively adapted to operating in high-risk areas. The Organization faced more bureaucratic challenges than its humanitarian counterparts in the UN system. Recovery scenarios did not fit into the mould of humanitarian emergencies or traditional development contexts, and they were unpredictable and fraught with risks. If the ILO aspired to be a significant actor in such scenarios, it must reform its operational procedures and overcome bureaucratic impediments to achieve a more agile response. The current situation represented an urgent call to action for the Organization to address its internal challenges and refine its efficiency in humanitarian emergencies. Any delay in the implementation of its three-phase response programme could exacerbate the critical situation. The ILO must be proactive rather than reactive.
- 952.** Her group had been willing to support the draft decision as amended by the Arab group, but would give due consideration to the subamendment proposed by the Government of the United States in the interest of consensus.
- 953. Speaking on behalf of the Arab Employers' group,** an Employer member from the United Arab Emirates expressed deep condolences to Palestinians in the light of the hostilities waged by Israel in Gaza, and called on the international community to mobilize resources and ensure that humanitarian assistance reached civilians. All parties must work to prevent the conflict from spiralling and spreading through the region. Palestinians had been forcibly displaced, lacked access to water, electricity and food and were under siege in conditions violating international law. He expressed his group's full support for the Palestinian people, who were

entitled to recover their dignity and legitimate rights. The ultimate objective was peace; to achieve that goal, his group called on the international community to adopt more robust measures that complied with international law and resolutions. He fully supported the draft decision.

- 954. The Government representative of the United States** said that the mass killing of civilians in Israel had evoked painful memories left by millennia of anti-Semitism and by the Holocaust. It was saddening that many speakers had condemned the loss of life in the Occupied Palestinian Territory but had not acknowledged the 1,400 civilian lives lost in Israel. Hamas' terrorist attacks were an act of evil, and dozens of Americans had been murdered and kidnapped. Israel had the right, and indeed the duty, to defend itself, and her Government supported the action taken by Israel to protect its people from terrorists, consistent with the rules of war. Allegations of Israel's carrying out indiscriminate attacks and deliberate targeting of civilian infrastructure were reckless and unfounded. Israel was trying to identify terrorist targets and minimize civilian casualties; however, Hamas members were running their operations in sites such as schools and hospitals. Hamas was violating its obligations as a non-state actor under international humanitarian law by taking hostages and using civilians as human shields. Every innocent life lost – Israeli or Palestinian – was mourned, and her Government was seeking to increase the delivery of humanitarian assistance to those affected by the conflict. The Israeli labour market had also been severely impacted. She affirmed the importance of focusing on the ILO's mandate and her Government's sincere interest in reaching consensus on the draft decision.
- 955. Speaking on behalf of the EU and its Member States**, a Government representative of Spain said that, in the interest of consensus, the EU and its Member States supported the draft decision as amended by the Arab group and subamended by the United States.
- 956. A Government representative of Israel** said that it was disappointing that lies, misinformation and propaganda were being spread. Israel was not targeting the people of Gaza, but a terrorist organization that had murdered 1,400 innocent people. Members of the Governing Body had made references to genocide and ethnic cleansing, but that was precisely what the Israelis were suffering: rape, mutilation and murder, including of children. A nation acting in self-defence, which was also warning Palestinians in advance of attacks and facilitating their access to aid and water, was not committing genocide. The security forces had to respond to prevent further loss of Israeli lives in what was a modern-day pogrom. A Hamas spokesperson had justified its actions and denied Israel's right to exist. Discussing the root causes of the conflict without condemning the actions of Hamas was tantamount to supporting terrorism and atrocities. Israel would no longer tolerate living next to a terrorist entity whose goal was to eradicate Jews.
- 957. Another representative of the Palestinian Authority** said that it was regrettable that some speakers seemed to have lost their humanity and, instead of calling for the respect of international law, were interpreting it as they saw fit. The argument that Israel's defence should prevail over any other considerations, despite the fact that it was an occupying power, was deplorable. There was no evidence of the alleged rapes committed on 7 October. The Israeli authorities had lied repeatedly about the facts, including its initial denial of bombing a hospital in Gaza. Of the 9,000 Palestinians killed, the majority were women and children. Israel was not conducting a war against Hamas, it was carrying out a genocide against the innocent Palestinian people. It was a lie that no civilian sites had been targeted: in fact, four churches, eleven mosques, eight schools and many medical facilities had been shelled. The massacres the Palestinian people were witnessing were war crimes. The Palestinian Authority condemned terrorism, and had done so since the launch of the peace process 30 years previously.

International law had to prevail, and only peaceful resistance could lead to a solution. The occupation must be recognized as the root cause of the current escalation. The Palestinian people would continue to fight for their right to self-determination.

- 958. A Government representative of Israel** expressed her disappointment that the representative of the Palestinian Authority was not representing his people, but shielding a terrorist organization. There was ample evidence – for those who opened their eyes to it – of women being raped, as members of Hamas members had documented their crimes.
- 959. The representative of the Palestinian Authority** said that the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, established in 2021, would investigate crimes committed within the occupied territories and Israel and the Palestinian Authority was ready to shoulder the responsibility for any crimes proven to have been committed by Hamas. However, international law was being targeted and Israel must not be above the law. The United Nations had been established in the wake of the horrors of the Second World War, yet it and its institutions were being undermined, including through repeated vetoes in the Security Council. The ILO must focus on its mandate.
- 960. A representative of the Director-General** (Director, ILO Regional Office for the Arab States) thanked the Governing Body for its continued support for development cooperation for the occupied Arab territories. She noted that the new subparagraph (g)(iii) proposed by the Arab group was technically problematic, as the next Report of the Director-General on the situation of workers of the occupied Arab territories would be published in May 2024 and its publication could not be brought forward, as the high-level interviews required extensive planning, and up-to-date statistics would only be available in early March. She suggested that the Governing Body might consider removing the reference to updating the recent annual report and reverting to the original wording of subparagraph (b) of the draft decision.
- 961.** In response to the Workers' group's comment that the ILO should continue to be present in the region, she highlighted that 15 ILO staff members in the Occupied Palestinian Territory were working to deliver activities under the Decent Work Programme. One staff member was currently in Gaza along with his family, moving around attempting to escape the hostilities and to help others in need, despite increasingly unsafe living and working conditions. The priorities of the Decent Work Programme remained highly relevant, including providing support to tripartite partners for a human-centred response and recovery. The ILO had initiated emergency response measures to support workers from Gaza who were stranded in the West Bank; it would extend support into Gaza, alongside sister agencies and partners, as soon as the conditions allowed. As to resource mobilization, the Office was already engaged in discussions with multiple partners and a meeting of development partners had been scheduled for the following week to discuss the labour market situation in the Occupied Palestinian Territory and the role of the ILO on the ground.
- 962.** She agreed with the Employers' group's comment that the ILO needed to enhance its agility and streamline procedures; however, the ILO's response to the current situation had been swift. Already, US\$1 million of existing resources had been reallocated to address the urgent needs of displaced Palestinian workers from Gaza and further reallocation of internal resources was under way. The Office was also implementing an agreement with the Palestinian Employment Fund to deliver emergency income support to workers. Concerning the ILO's strategy to address the crisis faced by social partners in the Occupied Palestinian Territory, she drew the Governing Body's the three-phase response plan outlined in the addendum. The Office would shortly publish a first assessment of the impact of the conflict on the labour market and livelihoods in the Occupied Palestinian Territory. It was estimated that

390,000 Palestinians had either lost their jobs or had been temporarily displaced from their jobs as a result of the crisis, which represented daily income losses of approximately US\$16 million. The Office would continue to work with the Palestinian Central Bureau of Statistics to track the status of the labour market on a monthly basis.

- 963. The representative of the Palestinian Authority** thanked the Officers of the Governing Body, and the Director-General and his team for their hard work to support his people. He accepted the explanation provided by the Office on the desirability of removing the reference to the recent annual report in subparagraph (g)(iii) of the draft decision. He expressed the hope that justice would prevail and that there could be an end to the bloodshed.
- 964. Speaking on behalf of the Arab group**, a Government representative of Libya noted that the draft decision could not be implemented in full without a ceasefire. However, her group was ready to accept the draft decision, as subamended by the Government of the United States, with a view to facilitating urgent assistance to workers in the Occupied Palestinian Territory, in particular in Gaza.
- 965. The Worker spokesperson** said that her group would also have liked the draft decision to call for a humanitarian ceasefire to enable humanitarian workers to deliver aid in safety. However, as the Arab group, which had submitted the amendment containing a reference to a ceasefire, had agreed to the subamendment in which the reference had been removed, the Workers' group was prepared to join the consensus and adopt the draft decision as subamended.
- 966. The Employer spokesperson** said that she was pleased to see that consensus had been reached. Her group supported the draft decision as subamended.
- 967. The Director-General** thanked the Governing Body for reaching a consensus on the way forward, which would give the ILO a stronger mandate. The Office would do its utmost to support all workers and employers in the occupied Arab territories. The objective of the meeting mentioned by the Regional Director for the Arab States was to garner support for the ILO's ongoing work in the region, for which the aim was to raise US\$20 million. The Office would fund 10 per cent of that total, but time was of the essence to mobilize the remainder of the necessary resources. The ILO would continue to work to gain access to all areas in question and the Israeli mission had recently issued several visas. In addition to the regional office, staff members from the priority action programme on decent work in crisis and post-crisis situations were being mobilized, as were the finance and programme teams. The ILO could make a real difference on the ground and would report to the Governing Body in March 2024 and the Conference in June 2024.

Decision

- 968. While gravely concerned and deeply saddened by the loss of lives in the region, the Governing Body:**
- (a) **acknowledged that the current situation in the occupied Arab territories rendered the continuation of the ILO's technical assistance in its current form extremely difficult and in some areas impossible, while at the same time provision of relief for and support to affected workers and employers had taken on further urgency;**
 - (b) **recalled the Director-General's Reports to the International Labour Conference, the last of which had been to the 111th Session of the International Labour Conference (2023) on "The situation of workers of the occupied Arab territories", and requested the Office to take all necessary measures in response to the observations and conclusions therein, and in light of the urgent and increased needs emerging from the crisis situation;**

- (c) underscored the obligation to respect international humanitarian law;
- (d) called on all parties to promptly allow and facilitate, consistent with international humanitarian law, full, rapid, safe, and unhindered humanitarian access, including by adopting practical steps, such as the establishment of fully secured humanitarian corridors respected by all parties and other initiatives for the sustainable delivery of humanitarian aid to civilians throughout Gaza;
- (e) expressed deep concern at the humanitarian situation in Gaza and its grave impact on the civilian population, including workers and employers, and especially the disproportionate effect on children and women, while underlining the urgent need for full, rapid, safe and unhindered humanitarian access, and stressing the humanitarian principles of humanity, impartiality, neutrality and independence;
- (f) welcomed the Director-General's programme for immediate assistance in paragraph 7 of document GB.349/POL/4(Add.1) to respond to immediate needs and calls for urgent assistance from workers and employers in the occupied Arab territories, and called on the Office to prioritize the safeguarding of wages and social benefits to affected workers;
- (g) requested the Director-General to submit for the consideration of the 350th Session of the Governing Body (March 2024) a report which should be used as the basis for the development of a more detailed action plan to address the impact of the current crisis situation, and which would contain:
 - (i) the work undertaken by the ILO to support tripartite constituents;
 - (ii) proposals for all additional measures that could be taken by the ILO to promote social justice and strengthen the ILO's mandate in the occupied Arab territories and mitigate the devastating impact of the current situation;
 - (iii) an update on the impact of the current situation on the tripartite constituents, labour market and working conditions, and the ILO's work, including the implementation of the current Decent Work Programme 2023-2026;
- (h) urged Member States to provide financial resources for the ILO programme in the Occupied Palestinian Territory, providing support to realize decent work within the context of wider United Nations' efforts for relief and recovery, and to this end work with the donors to articulate the mobilization of dedicated financial resources.

(GB.349/POL/4(Rev.1), paragraph 30, as amended by the Governing Body)

► Legal Issues and International Labour Standards Section

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)

969. 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.

- 970.** 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.
- 971.** 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.
- 972.** 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.

- 973.** 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.
- 974. 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.
- 975.** 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.
- 976.** 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.

- 977.** 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.
- 978.** 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.
- 979.** 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.
- 980.** 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.

- 981.** 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.
- 982.** 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.
- 983. 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.
- 984. 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.
- 985. 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.

- 986. 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.
- 987. 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.

- 988. 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.
- 989. 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.
- 990. 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

- 991. 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)

- 992. 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.
- 993.** 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.
- 994.** 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.
- 995.** 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.
- 996.** 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.

- 997. 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.
- 998.** 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.
- 999.** 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.
- 1000.** 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.
- 1001. 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.
- 1002. 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.
- 1003.** 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.

- 1004. 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.
- 1005. 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.
- 1006. 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.
- 1007. 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.
- 1008. 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.
- 1009. 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.
- 1010. 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.

- 1011. 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.
- 1012. 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.
- 1013. Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran reiterated that his group supported the second option.
- 1014. 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.
- 1015. 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.
- 1016. Speaking on behalf of the Africa group**, the Government representative of Morocco supported the proposal by GRULAC.
- 1017. 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.
- 1018. 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.
- 1019. 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.
- 1020. The Chairperson** said that the situation was indeed exceptional and was not intended to set a precedent.

Decision

1021. 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)

► Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

1. Proposed 2024–25 budgets for extrabudgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) (GB.349/PFA/1)

- 1022. The Worker spokesperson**, observing that the proposed work plan for CINTERFOR for the 2024–25 biennium was duly aligned with the ILO strategy on skills and lifelong learning 2030 and the associated plan of action for 2022–25, drew attention to CINTERFOR's important role in implementing the strategy and raising awareness of the Quality Apprenticeships Recommendation, 2023 (No. 208). Her group noted the challenges in the six major areas in which CINTERFOR would seek to generate impact. In particular, training on the development of industrial policies based on the well-being of all people and the planetary boundaries would be crucial. She welcomed CINTERFOR's prioritization of knowledge management and South–South and triangular cooperation, and its maximum use of information and communication technologies in all areas of its work. Her group supported the five proposed result areas and modalities of action.
- 1023.** The 46th ILO/CINTERFOR Technical Committee Meeting had demonstrated the importance of strengthening vocational training as a driver of sustainable development. At the meeting, it had been noted that implementation of the proposed work plan should incorporate social dialogue and tripartism as key elements of vocational training, allowing for genuine consultation rather than granting workers a merely symbolic role. Subregional and country offices sometimes struggled to address issues related to vocational training, which were then referred to CINTERFOR. A lack of resources, however, made it difficult to act on requests from offices; greater coordination was therefore required between the ILO's various services and technical offices.

- 1024.** Her group wished to reiterate the importance of including Recommendation No. 208, the Human Resources Development Convention, 1975 (No. 142), and the Human Resources Development Recommendation, 2004 (No. 195), in discussions on the application of standards at the national level and ensuring that relevant guidance was communicated to subregional offices. Work should also be done to evaluate the situation in focus countries where workers had ceased to play a prominent role within institutions, and to strengthen the relationship between CINTERFOR and the authorities in other countries in the Americas. Lastly, it was essential to recognize vocational training as a right as part of broader efforts to guarantee the right of workers to improve their skills. That would, in turn, have an impact on global development. The full realization of freedom of association and collective bargaining was key to institutionalizing vocational training and including the social partners in its design. She supported the draft decision.
- 1025. The Employer spokesperson,** noting that CINTERFOR's recent celebration of its 60th anniversary was testament to the importance of its work, welcomed the Centre's engagement with the Employers' and Workers' groups and facilitation of bipartite dialogue between them. He supported the identification of the areas in which CINTERFOR sought to make an impact, particularly in relation to increasing the productivity and sustainability of enterprises, including micro, small and medium-sized enterprises (MSMEs), which should be taken into account in all result areas. Despite accounting for 99.5 per cent of the region's economy and 60 per cent of formal employment, small and medium-sized enterprises (SMEs) were significantly less productive than large enterprises, and training programmes for them should be adapted accordingly. When designing strategies and training programmes, technical and vocational training institutions should recognize that training for owners of micro and small enterprises was equally important as training for workers. He agreed with the work plan for the 2024–25 biennium and supported the draft decision.
- 1026. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Mexico noted with appreciation that the 2024–25 work plan took into account the current and emerging needs of Member States in Latin America and the Caribbean and aligned with the ILO strategy on skills and lifelong learning 2030. The fact that the budget would allow for the implementation of specialized programmes on digital technology, automation and the green economy was also welcome. She supported the allocation of resources for research and knowledge exchange with the aim of identifying and sharing good practices in technical and vocational training, as well as the consideration given to the strengthening of cooperation with strategic partners. Highlighting the budget's allocation of resources to measures to ensure gender equality in vocational training and promote the inclusion of vulnerable groups, she supported the draft decision.

Decision

- 1027. The Governing Body approved the income and expenditure estimates of the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) extrabudgetary account for 2024–25, as set out in Appendix I of document GB.349/PFA/1.** (GB.349/PFA/1, paragraph 37)

2. Programme and Budget for 2022–23: Regular budget and Working Capital Fund (GB.349/PFA/2)

Decision

- 1028. The Governing Body delegated its authority under article 16 of the Financial Regulations to the Chairperson who may approve any transfers within the 2022–23 expenditure budget that the Director-General may propose, if needed, prior to the closing of the biennial accounts and subject to the endorsement of such approval by the Governing Body at its next session.**

(GB.349/PFA/2, paragraph 11)

- 1029. The Chairperson** announced that, since 1 October 2023, contributions for 2023 and prior years amounting to some CHF2.25 million had been received from five Member States, details of which had been provided on the Governing Body website (GB.349/PFA/2 Room paper (Rev.)).

3. Other financial matters

(No other financial questions were submitted to the Governing Body at this session.)

Audit and Oversight Segment

4. Annual evaluation report 2022–23 (GB.349/PFA/4)

- 1030. The Employer spokesperson** said that the report demonstrated the significant progress made by the Office towards achieving the key evaluation milestones identified for 2023. Concerning outcome 1, it was vital to maintain a clear distinction between evaluations and programme audits so as to avoid any overlap or confusion. The Employers' group welcomed the high-level evaluation topics selected for 2024, particularly the evaluation on the ILO Development Cooperation Strategy 2020–25. It also was in favour of conducting a high-level evaluation of international labour standards in 2025 or 2026. Such an evaluation should focus not only on the ILO standard-setting mechanisms and the application of standards, but also on the capacity of the International Labour Standards Department (NORMES) to provide all its assistance and perform all its functions with regard to the supervisory bodies, and on whether the current efforts to modernize the working methods of the Department were sufficiently supported. His group could also support a high-level evaluation on the topic of the four priority action programmes, which could cover the Global Coalition for Social Justice, with an emphasis on matters such as the procedures of the coordinating group and the alignment of the Coalition with the ILO's programme and budget. To strengthen evaluation culture, it was important to step up internal efforts to ensure that departments and field offices gave greater priority to evaluations and used lessons learned when designing new interventions to support constituents. The role of certified evaluation managers should extend to developing the necessary culture within the Office.
- 1031.** Regarding outcome 2, further efforts were required to harness all the possibilities offered by clustered evaluations and to expand their use. On the guidance material to improve evaluation practices, he underscored the importance of improving the quality of evaluations through participatory approaches that involved the policy departments and field offices concerned. With respect to outcome 3, a review of the target audience of the ILO's knowledge products could improve their currently limited use, and the distinction between fact sheets,

brochures and think pieces should be clarified. Concerning the evaluation recommendations, the Employers encouraged the Office to ensure that the evaluators selected not only were well informed on the subject, but also had a sound understanding of the ILO and tripartism to ensure the relevance and strategic importance of their recommendations.

- 1032.** It was essential for the ILO to build on the positive developments reflected in its overall performance ratings for 2022, particularly the increased participation of constituents in the design and implementation of projects. The Office should examine the correlation between constituent involvement in the design and implementation of projects and the effectiveness, impact and sustainability of those projects. The Office should also improve the areas of constituent support and the validity of design in intervention. To increase the sustainability of strategic results and knowledge capacity, it was important for the Office to integrate processes to build the institutional capacity of the tripartite constituents as from the project design stage.
- 1033. The Worker spokesperson** acknowledged the continuous efforts to strengthen the evaluative functions of the ILO and to build the internal and external capacity of ILO staff through the Evaluation Manager Certification Programme and the involvement of constituents in evaluation training. The Office and individual departments should further prioritize internal capacity-building to ensure a fully functioning evaluation network of evaluation managers and focal points. The achievement of the milestones on clustered evaluations under indicator 2.1.1 was welcome. She noted that the work on impact evaluation and on the establishment of the ILO Evaluation Trust Fund was on track and that it would allow the Office to conduct more ex-post and impact evaluations to help guide future initiatives. Regarding sub-outcome 2.2 on the responsiveness of evaluation methodologies to the ILO's mandate, the Workers appreciated the development of guidance materials and use of the ex-post quality appraisal of independent evaluations to improve the relevance and quality of the ILO's evaluation function. Her group encouraged the Office to further bolster its efforts to increase the uptake of evaluation results for strategic planning, and to ensure the full involvement of constituents in the follow-up and dissemination of evaluation results.
- 1034.** Concerning sub-outcome 2.3, she reiterated that the appropriate implementation of guidelines and recommendations was key to ensuring improvements in the uptake and quality of impact evaluations. The delayed achievement of the milestone under indicator 3.3.2 on the Evaluation Advisory Committee should be addressed in the Evaluation Strategy, given the importance of the Committee's role.
- 1035.** Recommendation 1 on the topics for high-level evaluations for 2024 was welcome. She supported the choice of youth employment strategy as a topic for the ensuing years, and expressed a preference for the topic of disability inclusion strategy for 2026. It could be relevant for the Office to provide a more comprehensive evaluation of the strategic direction that it was taking on disability inclusion strategy.
- 1036.** The Workers endorsed the steady increase in the overall ratings of development cooperation projects. However, the low efficiency of ILO interventions remained a concern. As human and financial resources were reportedly inadequate, it was questionable whether the ambitions of ILO development cooperation projects could continue to be achieved. The Office must address the poor performance observed regarding intervention responsiveness towards disability inclusion and environmental sustainability and produce a clearer strategy on how the two issues could be better integrated into the ILO's development cooperation work. She supported the draft decision.

- 1037. Speaking on behalf of the Africa group**, a Government representative of Eswatini noted with appreciation that most of the biennial milestones for 2023 had been achieved or were on track. Recalling that, according to the ILO's Strategic Plan for 2022–25, the evaluation function was considered a valuable driver of performance improvement, he affirmed that the Organization's strategic focus should remain committed to fostering a strong evaluation culture with increased uptake of findings and recommendations. The Office should draw upon the various innovations identified in the report when increasing its efforts to implement the milestones that were delayed or partially achieved. His group welcomed the inclusion in the report of linkages between evaluation projects and policy outcomes, specifically in respect of country programme outcomes.
- 1038.** Regarding the proposed high-level evaluation topics for 2026, he expressed preference for that of skills and lifelong learning. The topic on the ILO's disability inclusion strategy could be deferred to 2027.
- 1039.** With respect to the online training programme on monitoring the results of Decent Work Country Programmes (DWCPs) to be delivered in November–December 2023, it should be noted that only five English-speaking African countries with active DWCPs and steering and/or technical committees had been chosen to participate. He underscored the importance of such training programmes and of making arrangements to enable the steering and/or technical committees driving the implementation of DWCPs to hold in-person sessions. With respect to the independent review on the effectiveness of the Regular Budget Supplementary Account fund in delivering decent work results, strong capacity-building support should be provided at the beginning of a project, with clear deliverables for measuring successful outcomes, and consultants should be thoroughly vetted, in order to bridge the barriers to achieving desired results. He endorsed the draft decision.
- 1040. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United States of America said that IMEC had long been a proponent of a strong evaluation function in the ILO, to ensure accountability and learning while also generating evidence for decision-makers and practitioners. With regard to the potential benefits of flexible and pooled funding mechanisms for the Criteria-based Integrated Evaluation Planning System, more information would be appreciated about the constraints of the existing mechanisms and how the proposed mechanisms would work, as well as how the Office planned to address challenges in implementing them.
- 1041.** She welcomed the work that had been done to conduct high-level evaluations, noting the findings of the high-level evaluation on fundamental principles and rights at work, in particular the concerning conclusion that although the ILO had tackled challenges effectively through impactful programming, it had neglected to adequately prioritize freedom of association and collective bargaining as a critical enabling right.
- 1042.** IMEC supported the proposed evaluation topics for 2024, as well as noting those suggested for 2026. An independent high-level evaluation cutting across the four action programmes could indeed be a useful review modality. However, if such an evaluation was conducted in 2026, its findings would be released too late to inform the discussions of the programme and budget for the next biennium. Further information on the timing of the proposed evaluation would therefore be appreciated. With regard to the two proposed options for 2026 outlined in table 1, both topics were critically important, although the lack of progress regarding disability inclusion in the ILO's overall 2022 performance ratings perhaps suggested that the ILO's disability inclusion strategy should take priority in 2026. Nonetheless, IMEC remained flexible on the matter and looked forward to hearing the views of others.

- 1043.** IMEC had previously noted its concern about the low prevalence of projects including gender sensitivity, so appreciated the analysis of the integration of a gender dimension into evaluations, and the slight progress made towards meeting the United Nations System-Wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) requirements. It was also encouraging to see that gender equality was the most cited topic in Governing Body reports.
- 1044.** Noting that the Evaluation Office was piloting a new approach to the annual assessment of performance effectiveness that was more in line with the ILO's strategic priorities, IMEC supported efforts to further increase internal coherence and better meet the needs of stakeholders. With regard to overall efficiency, the report noted that less than 50 per cent of ILO interventions had performed at an average or above-average level, which was concerning. It was important to focus on improving the effectiveness, sustainability and impact of interventions, including with regard to goal orientation. The group also welcomed the focus on learning throughout the Evaluation Strategy, but would like to see further efforts to strengthen the communication and timely use of evidence-based findings. IMEC supported the draft decision.
- 1045. A Government representative of the Republic of Korea** welcomed the expansion of the use of participatory methods in the new Evaluation Strategy, to engage the social partners, governments and beneficiaries. He agreed that it would be imperative to emphasize a focus on learning and ensure that evaluations were conducted for the right purposes and at the appropriate time. With regard to development cooperation programmes, it was concerning that fewer than half had received above-average scores in the evaluation, which indicated room for improvement. The Office had the responsibility to effectively coordinate donor requests with on-the-ground situations, so it should focus on planning and monitoring programmes that satisfied both donors and beneficiaries by fostering transparent and clear communication, as well as realistic goal setting. Going forward, the Office should further expand the involvement of the tripartite constituents in the programme evaluation process. He supported the draft decision.
- 1046. A representative of the Director-General** (Director, Evaluation Office) welcomed the recognition that good progress had been made on the 21 milestones, including the five enabling outcomes. Although it was a new evaluation strategy, and the first annual report, efforts had been made to adjust approaches to it so that the Evaluation Office could deliver on the goals. That was not to say that there were no problems. The evaluation architecture was indeed precarious, as it relied on a small professional team complemented by a large voluntary workforce of certified evaluation managers. However, leveraging existing Office resources came at a cost of a heavy workload and the use of volunteers that did not always receive full credit for their additional work. The work on clustering, to reduce evaluation fatigue, had helped, but had not really lessened the workload. There had been 70 independent evaluations in 2022, and there was due to be the same number in 2023. That workload was simply too heavy, which was perhaps part of the reason for some of the issues that had been observed.
- 1047.** He welcomed the support expressed for the innovations that had been introduced to address some of those issues. The Criteria-based Integrated Evaluation Planning System would help ensure that evaluations were not simply carried out for their own sake, but were demand-driven, on the basis of evidence gaps or knowledge needs. The ILO Evaluation Trust Fund, although it did not yet have any funding, would allow for greater flexibility and easier clustering of evaluations. It would also enable the Office to respond to such requests as more

ex-post evaluations, tracer studies and impact evaluations, which was not otherwise possible without additional funds not linked to the projects themselves.

- 1048.** An evaluation culture was indeed essential and progress had been made in that regard. Evaluation needed to be linked to effective knowledge management, as it was just one of the elements that could inform decision-making. Although there was a difference between audit and evaluation, there was also an overlap. The more the two could share insights, the more efficient and effective they would be.
- 1049.** He also welcomed the support expressed for participatory evaluation methods. As a tripartite Organization, the more the ILO could involve the Workers, Employers, Governments and beneficiaries in the process, the better. That could be done through thematic or regional reference groups, if necessary, which would improve the ownership of evaluations and uptake. More emphasis could indeed be put on impact evaluation, but with the acknowledgement that it was expensive and time-consuming, requiring long time horizons for projects. Donors needed to understand that it would come at a cost, both financial and in terms of capacity.
- 1050.** With regard to the external quality reviews of evaluations in general and how they addressed gender in particular, that was being taken very seriously. An external company was assessing all the independent ILO evaluations to ensure quality and also to assess whether gender issues were captured. With regard to the comments about consultants, he noted that a very competitive process was used, including a roster to rate and keep track of consultants based on performance. The Evaluation Office was one of the few ILO departments to do that.
- 1051.** He was pleased to see general consensus on many of the topics in the rolling work plan for high-level evaluations, but more work would need to be done to reconcile the different perspectives expressed by constituents on priorities beyond 2024.
- 1052.** Turning to the performance assessments covered in Part II of the report, he welcomed the support expressed for the methodological changes that had been introduced. It was important to bear in mind that the figures included in the report related only to evaluations of projects in 2022, so were in a sense a look back at the past. They also only related to projects, rather than the overall support provided by the ILO. The approach therefore had its limitations, but remained a useful method of identifying systemic performance issues. Although there had been some negative findings, improvements had already been noted in several areas, which was positive news. There were improvements in the promotion of ILO cross-cutting policy areas, namely pro-poor focus, gender responsiveness and the promotion and use of standards and normative work in development cooperation. With regard to the issues raised about ongoing weaknesses relating to environmental sustainability and disability, he said that it was important to note that data on those had only been collected since 2020. Overall, the issue of disability inclusion did not receive targeted attention, even when there were opportunities in that regard. Environmental sustainability was also not a key area of focus or concern of the majority of ILO project interventions, as reflected in the poor performance ratings. More efforts were therefore needed at the project level; however, that would neither cover nor assess the institutional efforts or overall performance of the Office on environment and disability.

Decision

1053. The Governing Body endorsed the recommendations of the annual evaluation report 2022–23 (paragraphs 17 and 90) for implementation by the ILO.

(GB.349/PFA/4, paragraph 91)

5. High-level evaluations of strategies and Decent Work Country Programmes (GB.349/PFA/5)

1054. The Worker spokesperson noted with regret that none of the evaluations had resulted in a “satisfactory” rating, demonstrating an urgent need for the ILO to strengthen its internal coherence.

1055. With regard to Part I of the report, on the independent high-level evaluation of the ILO’s strategies and actions to promote fundamental principles and rights at work, 2018–23, she noted with disappointment that, as highlighted by key finding 2, freedom of association and collective bargaining continued to be systematically marginalized and neglected. The ILO should prioritize its work and increase resources and staff capacity, both at headquarters and in the field, on those critical enabling rights, which should be at the centre of any effective strategy to promote the fundamental principles and rights at work.

1056. The fact that the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) remained focused mainly on child labour and forced labour raised questions as to whether grouping all the fundamental principles and rights at work in one branch, largely dependent on donor funding, was still appropriate. It was unclear how the Office, with the set-up described in paragraph 24 and with its current track record, would ever be able to deliver the required change. The Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) and the International Labour Standards Department (NORMES) should be involved in shaping the priorities of FUNDAMENTALS in respect of development cooperation and support to constituents. In that regard, the Office should implement as a matter of urgency the “One ILO” framework for action to strengthen the strategy and actions on freedom of association and collective bargaining. The proposed ILO integrated strategy for the promotion and implementation of the right to collective bargaining was timely and should form part of the new framework. At the recurrent discussion on the fundamental principles and rights at work to be held by the International Labour Conference at its 112th Session (2024), the Office should put forward a strategy to promote freedom of association and collective bargaining as enabling rights and as an entry point for delivering progress on other fundamental labour rights. The Office should follow up on all the recommendations in the evaluation as a matter of urgency.

1057. Part II of the report, on the independent high-level evaluation of the ILO’s strategies and actions to promote decent work in the rural economy (with a focus on rural employment), 2016–23, revealed poor results in terms of strategy, process and implementation across four biennia. The Sectoral Policies Department (SECTOR) should ensure that the social partners were closely involved in programme design and implementation. Furthermore, it should be given an explicit mandate and the means to promote decent work in the rural economy. She stressed the importance of the findings and recommendation on the promotion of international labour standards and social protection in the rural economy, recalling in that regard the role of rural employment strategies, as outlined in the conclusions on promoting rural employment for poverty reduction adopted by the Conference at its 97th Session (2008). The Office should promote the fundamental principles and rights at work in rural economies

and the related technical Conventions, and provide technical support to help governments understand and effectively implement those standards in rural areas. It should include a focus on rural economies in its work on gender-based violence and sexual harassment. Furthermore, an updated ILO strategy on decent work in the rural economy should be linked to the follow-up to the conclusions concerning a just transition towards environmentally sustainable economies and societies for all that had been adopted by the Conference at its 111th Session (2023). The Office should implement the recommendations in the evaluation as a matter of urgency.

1058. Part III of the report, on the independent high-level evaluation of the ILO's post-conflict and recovery work in the Arab States region, with emphasis on Iraq and Yemen, 2019–23, showed that, despite its clear mandate and added value, the ILO was still considered an outsider by other peacebuilding actors. However, its normative mandate and tripartite constituents could offer valuable entry points for peacebuilding in challenging political contexts. The recommendations offered valuable guidance, especially in the light of the recent escalation of the conflict in the Middle East. The ILO must position itself better as a key agency that could foster peace and resilience through decent work, focusing less on immediate humanitarian needs and more on long-term solutions.
1059. **The Employer spokesperson**, referring to Part I, recalled that, for the past three biennia, the programme and budget had included a commitment to implement the integrated strategy on fundamental principles and rights at work. Regrettably, as highlighted by key finding 7, the Office had failed in that regard. He noted with concern the finding that, despite high volumes of activity, the Office had missed many of its programme and budget targets relating to the fundamental principles and rights at work in the biennium 2020–21 (key finding 12). The Office should explain why those targets had been missed despite significant donor funding.
1060. The Office needed concrete recommendations and follow-up action with regard to implementing the integrated strategy, addressing the structural issues within FUNDAMENTALS and establishing joint work plans between all departments and programmes working on the fundamental principles and rights at work. His group did not agree with recommendation 2, which called on the ILO to clarify the role of FUNDAMENTALS as a “centre of excellence” with a coordination and oversight role, as that could weaken the ILO's technical expertise and further dilute its work. Rather, FUNDAMENTALS should be a core implementing actor. With regard to recommendation 3, the Office should assist Member States not only in ratifying core standards, but also in overcoming challenges related to the implementation and full realization of the fundamental principles and rights at work.
1061. He clarified that the purpose of the Global Business Network on Forced Labour was to promote collaborative and collective action on forced labour for the private sector and employer and business membership organizations, rather than to build capacity on the fundamental principles and rights at work “in the context of compliance”, as stated in the document.
1062. Turning to Part II, he said that the scope of the evaluation was somewhat limited, as in many countries the rural economy was characterized by informality, low productivity, low skills, outdated technologies and limited opportunities for growth and innovation. It would have been useful to assess the ILO's action and programmes in the rural economy to support formalization, skills training, improved access to finance, rural entrepreneurship, and occupational safety and health, which were priorities for employers. Referring to

recommendation 1, he said that the Governing Body would need to review and endorse any new strategy document.

- 1063.** The evaluation presented in Part III found that the ILO's operations in the Arab States region were not fit for purpose, due to bureaucracy and resource constraints. It also underscored the relevance of the ILO's work in the context of transition, especially its employment-driven response. Many of the challenges identified could be traced back to the ILO operating in a humanitarian context. The ILO must remain true to its mandate and avoid involvement in areas where other agencies had more experience, competency and operational agility. Its approach should be based on building institutions and creating systems to promote social justice and decent work as an infrastructure for recovery and resilience. Its role was to work in difficult contexts to rebuild trust among the tripartite constituents. The ILO programmes in the region were resource-driven and did not prioritize the delivery of the DWCPs. The Organization should avoid a multiplicity of development cooperation projects, especially smaller ones, which were often a challenge to manage. As many of the recommendations were conditional on whether the ILO wanted to engage effectively and efficiently in post-conflict settings, and given the increasing volume of work relating to refugees, internally displaced persons and the humanitarian-development-peace nexus, the Employers' group proposed that a dedicated discussion be held on the ILO's role and value in post-conflict settings and humanitarian contexts.
- 1064. Speaking on behalf of the Africa group,** a Government representative of Gabon said, with regard to Part I, that particular attention should be paid to the implementation of recommendation 4, as occupational safety and health had recently been recognized as one of the fundamental principles and rights at work and was an area in which Africa faced many challenges. The Office should step up its efforts to promote the ratification of and strengthen the monitoring mechanisms under the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The enforcement of legislation concerning occupational safety and health required an adequate and appropriate system of inspection, and the enforcement system should provide for adequate penalties for violations of that legislation. Enhancing support from the Office would help Member States develop monitoring mechanisms that functioned smoothly. She noted that international labour standards had not been evaluated recently and that there was a need to look at whether ILO's work was in line with constituents' needs.
- 1065.** Regarding Part II, she agreed that the 2011 ILO strategy on decent work in the rural economy should be updated to take account of the actual needs of the tripartite constituents and countries' priorities. The Office should step up its activities related to the promotion of the relevant international labour standards, social protection, just transition and disability when planning and implementing its programmes in that context. Turning to Part III, she encouraged the Office to expand its efforts to build the capacity of the tripartite constituents and increase their involvement in post-conflict and recovery work on the ground. Her group supported the draft decision.
- 1066. Speaking on behalf of the Asia and the Pacific group (ASPAG),** a Government representative of the Islamic Republic of Iran said that the recommendations in Part I rightly emphasized the need for an approach that took both the constituents' priorities and the ILO's fundamental principles into account. In respect of recommendation 2, he called for a more systematic use of ILO capacities in the development of development cooperation activities. Referring to Part II, he said that a tripartite mechanism should be established to update the 2011 ILO strategy on decent work in the rural economy, in order to strengthen coordination, ensure sustainability, support the implementation of policies and foster partnerships.

- 1067.** Turning to Part III, he expressed deep concern for the situation of workers affected by conflict in the Arab States region and strongly urged the Office to redouble its efforts to improve the conditions of those workers, provide them with support and facilitate their reintegration into the labour market. It was imperative for the Office to strengthen engagement with the relevant stakeholders to address the challenges faced by such workers and ensure respect for their rights. Special attention should be paid to eliminating operational inefficiencies and overcoming resource limitations in the ILO's post-conflict and recovery work. The necessary procedural reforms should be undertaken and skilled staff used in that regard.
- 1068.** Evaluation criteria and indicators to assess progress in the implementation of the recommendations should be established by a decision-making body responsible for following up on the evaluation recommendations; the role and responsibilities of the Director-General in monitoring the implementation of the recommendations should be clearly defined; methods of reporting to the Governing Body on periodic progress and monitoring and evaluation processes should be explained; and greater emphasis should be placed on creating conditions for sustainable and inclusive economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities. His group supported the draft decision.
- 1069. A Government representative of Bangladesh** expressed concern that the donor-oriented approach of the DWCPs hampered the achievement of their objectives. To ensure decent work in the rural economy, priority should be given to job creation in non-agricultural sectors and to the promotion of small and medium-sized enterprises. Furthermore, in that context, the Office should: allocate more staff to the country offices to better implement its programmes; consider allocating more funds from the Regular Budget Supplementary Account; design a decent work programme for the non-discriminatory treatment of migrant workers in destination countries; and devise strategies to ensure that multinational enterprises played their part in promoting decent work in supply chains. His Government supported the draft decision.
- 1070. A Government representative of the United States** noted the positive developments towards the elimination of child and forced labour but expressed concern about the findings that the Office had neglected to prioritize the enabling rights of freedom of association and collective bargaining and that normative supervision was seldom the main driver of long-term and comprehensive development cooperation activities. As part of the Office's efforts to strengthen its strategy and actions in that regard, the staff, resources and time devoted to freedom of association and collective bargaining should be increased, and a more integrated approach to addressing the fundamental principles and rights at work should be taken. Her Government supported the draft decision.
- 1071. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster), responding to comments made in respect of Part I, said that strengthening synergies between freedom of association and the effective recognition of the right to collective bargaining with the other categories of the fundamental principles and rights at work was a key part of the ILO integrated strategy for the promotion and implementation of the right to collective bargaining and the Global Strategy on Occupational Safety and Health 2024–30, which were both before the Governing Body at that session. The recurrent discussion on the fundamental principles and rights at work to be held by the Conference in 2024 and its follow-up would allow for the development of a consolidated road map to ensure the full and adequate promotion of all those principles and rights.

- 1072.** At the beginning of 2023, an internal process had been initiated to address the current dispersion and fragmented approach within the Office to freedom of association and collective bargaining, culminating in the preliminary adoption of a framework for action on that subject and on other aspects of social dialogue, aimed at enhancing synergies and coordination across the Office to also realize economies of scale and achieve greater efficiency. An example of one of the measures taken as a result was the provision of more systematic induction training to ensure a shared understanding among staff of the value and relevance of freedom of association and collective bargaining as enabling rights and for development purposes.
- 1073.** Although a theory of change process had been carried out by the Office to develop an integrated approach to the fundamental principles and rights at work, progress in translating the theory into practice on the ground had been limited. To remedy that, the Office would draw on lessons learned from country-level interventions and consider how those approaches could be scaled up. While FUNDAMENTALS had an important role to play, other teams also had to play a part. Accordingly, a multidisciplinary task force comprising representatives of different parts of the Office, both at headquarters and in the field, would be established to promote an integrated “One ILO” approach to the promotion of fundamental principles and rights at work. The Office was trying to establish greater synergies between the work of the ILO’s supervisory machinery and its development cooperation activities; for example, in respect of child labour and forced labour, a matrix had been developed that took into account not only the relative prevalence of such labour but also the observations by the Committee of Experts on the Application of Conventions and Recommendations on that subject, to identify countries in which the Office should prioritize action in that regard. Provision had been made in the Programme and Budget for 2024–25 to promote ratification of the fundamental Conventions, with special emphasis on those that had been ratified by the fewest Member States.
- 1074. Another representative of the Director-General** (Assistant Director-General and Regional Director for the Arab States), responding to the comments made in respect of Part III, said that none of the programmes in the Arab States that had been evaluated were under the responsibility of a country office and that a lack of adequate financial and human resources hindered their efficiency. Representatives of the United Nations, other partners and the authorities in Yemen had recently emphasized the ILO’s important role in the humanitarian-development-peace nexus and in the shift from relief to development efforts. She recalled that the ILO was a development, rather than a humanitarian, agency. Nevertheless, it had proved to be a valuable actor in early recovery efforts, as exemplified by its successful work following the 2023 earthquake in the Syrian Arab Republic, when it had implemented employment-intensive infrastructure projects to rehabilitate schools and infrastructure and had coordinated the livelihood recovery assessment with the United Nations Development Programme. The Office was currently working with UN partners in the region to see how emergency assistance could be delivered in the Occupied Palestinian Territory in such a way that would allow a transition into longer-term more sustainable mechanisms, and had prepared a three-phase response programme focusing on long-term recovery. Furthermore, the ILO was playing a key role in Iraq, co-chairing four main working groups under the UN Sustainable Development Cooperation Framework.
- 1075.** To enhance effectiveness in fragile contexts, the Office had taken a number of steps, despite the difficulties faced and the absence of country offices. In the current biennium, for example, steps had been taken to strengthen the human resources management capacity in the region and to create the position of regional security officer. In 2024, the Regional Office for the Arab

States would try to secure funds to create a senior position in Yemen to better place the ILO in the humanitarian-development-peace nexus. The outposting of decent work specialists was also an option to be explored. In order to build the capacity of constituents and reduce fragmentation, the Office sought to ensure that stakeholders were involved in discussions on emergency response, employment and job creation in the region and that the social partners were able to contribute to crisis recovery as implementing partners or by engaging in outreach efforts.

- 1076. Another representative of the Director-General** (Director, Evaluation Office) responding to methodology-related questions only, said that the evaluation of the ILO's strategies and actions to promote fundamental principles and rights at work had been timed so that the results could feed into the recurrent discussion by the Conference and into the strategies on collective bargaining and on occupational safety and health. As there had been no Office response to the questions concerning the scope of the evaluation on the rural economy, he explained that the scope had been established based on the 2011 ILO strategy and the indicators established in the relevant programmes and budgets. Regarding the question on systematic follow-up to high-level evaluations, he explained the Evaluation Advisory Committee was the responsible body and that, after a period of inactivity during the recent transition period, its meetings would resume in late 2023 or early 2024, chaired by the newly appointed Deputy Director-General.

Decision

- 1077. The Governing Body requested the Director-General to take into consideration the recommendations of the three independent high-level evaluations presented in document GB.349/PFA/5 (paragraphs 17-21, 49-54 and 74-80), and to ensure their appropriate implementation.**

(GB.349/PFA/5, paragraph 88)

6. Matters relating to the Joint Inspection Unit (GB.349/PFA/6)

- 1078. The Employer spokesperson** encouraged the Office to play an active role in the reviews to be conducted by the Joint Inspection Unit (JIU) on the eight issues concerning the ILO, with a special focus on accountability frameworks and mental health and well-being policies and practices. He took note of the 15 changes made since the Office had last updated the Governing Body on its follow-up to the JIU's recommendations, welcoming in particular its efforts to develop standard operating procedures for investigations and complaints.
- 1079.** Social partners were sometimes considered implementing partners, and the nature of the tripartite constituents and the ILO's mandate to strengthen their institutional capacities must therefore be taken into account in the development of a common system-wide definition and a set of agreed guiding principles and standards for implementing partners. He expressed strong support for the recommendation to hold periodic mandatory refresher courses in ethics for all staff and non-staff. His group would be interested in learning of the Office's response to the comments made by the United Nations (UN) System Chief Executives Board for Coordination (CEB) in relation to business continuity management, and he stressed the need for a results-based assessment of approaches to business continuity policies in mitigating the effects of disruptive incidents. He supported the draft decision.
- 1080. The Worker spokesperson** recognized that the ILO could not always apply the JIU's recommendations in the same manner as other UN bodies because most of its implementing partners were constituent organizations. She therefore agreed that the Office should bear in

mind the ILO's institutional tripartite structure and specific need to engage with social partners when contributing to inter-agency mechanisms on implementing partners. Further details would be welcome on the implementation of thematic awareness-raising campaigns relating to ethics. While the independent high-level evaluation of the ILO's COVID-19 response 2020–22 had commended the Office's institutional adjustments during the COVID-19 pandemic, the topic of health and safety had received less attention. With that in mind, it would be useful to know the extent to which the drastic increase in mental health issues among ILO staff was affecting business continuity. She supported the draft decision.

- 1081. Speaking on behalf of GRULAC**, a Government representative of Mexico requested information on the current process in respect of the investigation-related activities in the Office, in the light of the JIU's recommendations to consolidate those activities in the Office of Internal Audit and Oversight (IAO) and to improve its functioning. She wished to know why the JIU's recommendations in that regard had not been accepted and what steps were required to secure their acceptance. Although the recommendation concerning the review of the UN System-Wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) was directed at the CEB, it would be useful for the Office to conduct a similar internal review using the results of the Action Plan's implementation within the ILO. She emphasized the importance of using the ClearCheck screening database to identify individuals who had committed offences, especially sexual abuse, while working at other organizations in the UN system and asked whether the Office used that tool during recruitment processes.
- 1082. Speaking on behalf of IMEC**, a Government representative of Japan appreciated the Office's consideration of the group's statement made at the 346th Session in 2022, and commended the presentation of a transparent approach to policy adjustments and new proposals in response to relevant JIU recommendations in the Governing Body document. He asked for clarification as to whether mandatory ethics training was in place, as well as information on alternative training in that area. He encouraged the Office to work with other UN organizations on ethics training and the broader ethics function and to regularly report to the Governing Body on the Ethics Officer's activities. The JIU had recommended that newly appointed heads of ethics offices should be given fixed-term contracts, rather than extended indefinite contracts, and in that connection he wished to know why the Office had not adopted such term limits. He requested the Office to share any insights and best practices in terms of business continuity during the COVID-19 pandemic and to provide information on the training planned for regional and country offices in the wake of the pandemic.
- 1083.** He noted with concern the Office's failure to implement recommendations aimed at enhancing transparency and accountability in investigations. While his group understood the rationale for dividing investigations between the IAO and the Human Resources Development Department, the failure to consolidate that function in the IAO was inconsistent with guidance on best practices in the UN system. The Office should therefore consider revising the relevant policies and regulations with a view to ensuring that all complaints of misconduct were received and assessed by the IAO. Additionally, his group wished to hear about the progress made in the past year in developing and adopting formal procedures for the investigation of complaints of misconduct by executive heads and adopting appropriate policies.
- 1084. A Government representative of the Russian Federation** urged the Office to implement the JIU's recommendations in a full and timely manner. The JIU should also continue to undertake regular consultations with independent advisory oversight committees from across the UN common system, including the ILO. He called on the Office to ensure that the work of the JIU was fully funded.

- 1085. A representative of the Joint Inspection Unit** said that the ILO had accepted 69 per cent of the recommendations made by the JIU during the 2014–21 period, which was slightly below the average among the JIU participating agencies. It had implemented 84 per cent of the accepted recommendations, which was in turn slightly above the average. The Office's explanations of why some recommendations had not been accepted were welcome, and she encouraged further exploration of the four recommendations that remained under consideration. The business continuity review had led to a review of mental health and well-being, the results of which had recently been released.
- 1086. A representative of the Director-General** (Director, Strategic Programming and Management Department) said that mandatory online ethics training was under development, pending a review of International Civil Service Commission (ICSC) standards. In the meantime, training on ethics was available through a mandatory e-learning course on internal governance, and the Office had proposed developing a short refresher training course. Core positions such as the Chief Internal Auditor were subject to the ILO Staff Regulations, which did not provide for term limits; such limits might discourage qualified candidates from applying for the role. Sufficient safeguards existed, however, to ensure the Auditor's independence. Similarly, the term of office of the ILO's Ethics Officer was not limited. In that regard, the ILO had exercised the flexibility deemed appropriate by the CEB members.
- 1087.** The recommendation concerning the consolidation of investigation activities had not been accepted because allegations of harassment, unlike those of other misconduct, were subject to the collective agreement signed with the ILO Staff Union; accepting the recommendation would require discontinuation or renegotiation of that agreement. The ILO participated in the ClearCheck initiative and fed the relevant cases into the database. Progress had been made in establishing formal procedures for the investigation of complaints of misconduct by executive heads, such as the adoption of internal governance provisions that ensured that any such allegations were reported to the Chairperson of the Governing Body. Lastly, the Office was implementing the eight recommendations made following the business continuity review, and some relevant actions had been incorporated into the Programme and Budget for 2024–25.
- 1088. A representative of the Director-General** (Treasurer and Financial Comptroller) said that the non-acceptance of some of the JIU's recommendations on implementing partners owed in part to the ILO's tripartite structure and the need for capacity-building with constituent entities. The Office had collated feedback on business continuity planning during the COVID-19 pandemic and was consequently updating the business continuity plans of every country office and project. That exercise had revealed the importance of determining responsibility, maintaining clear communication at all levels, ensuring that plans were concise and allowing for flexibility to enable them to be adapted to local needs. Each office had printed copies of the paperwork required to function should computer access be impossible, and essential systems were tested to ensure their functionality for staff members working remotely. All business continuity plans would be tested routinely from 2024.

Decision

- 1089. The Governing Body took note of the information contained in documents GB.349/PFA/6, GB.349/PFA/6/REF/1 and GB.349/PFA/6/REF/2 and provided guidance to the Office.**
(GB.349/PFA/6, paragraph 22)

Personnel Segment

7. Statement by the Chairperson of the Staff Union Committee

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

8. Amendments to the Staff Regulations (GB.349/PFA/8)

- 1090. The Worker spokesperson** commended the Office for its follow-up of the comments of the ILO Administrative Tribunal on the limited range of disciplinary measures. That was an improvement on previous practice. While the proposed amendment had been clearly intended to establish transparent, efficient and effective disciplinary proceedings, with proportionate and progressive disciplinary measures, that was not apparent in the proposed modifications of Chapter XII of the Staff Regulations. The Office should explain how it intended to ensure that the disciplinary measures would be applied progressively and to provide the training essential for the new Disciplinary Committee officials. The Staff Union had been consulted regarding those reforms and was satisfied with the outcome.
- 1091. The Employer spokesperson** supported the establishment of the Disciplinary Committee, which could effectively support the findings of other committees. The Committee should be furnished with guidelines to ensure that members performed their duties with fairness and transparency and avoided conflicts of interest. It should also be diverse and gender-balanced. The difference between the new list of disciplinary measures under article 12.4 and the previous list should be clarified, specifically the criteria and examples of conduct that would differentiate the disciplinary measures. That would avoid perceptions of a lack of transparency. The group supported the draft decision.
- 1092. Speaking on behalf of the Africa group**, a Government representative of Rwanda noted that the three-pronged approach to addressing misconduct would ensure the highest standard of professional conduct among staff and fair, efficient, transparent and effective disciplinary proceedings. The ILO would therefore attract and retain a high calibre of employee. The Office should prioritize preventive measures with due regard to enforcement and remedial action. There should also be ad hoc members of the Disciplinary Committee and provision for dealing with disciplinary cases involving members of the Disciplinary Committee itself. While the Disciplinary Committee and the Joint Advisory Appeals Board had different responsibilities, cooperation and complementarity between the two bodies would be key to better assisting the Director-General. The Africa group supported the draft decision.
- 1093. Speaking on behalf of GRULAC**, a Government representative of Mexico said that GRULAC understood that the proposed amendments had been discussed with the Staff Union and would like to know whether they had been reviewed with the Independent Oversight Advisory Committee, the ILO Office of Internal Audit and Oversight and the ILO Ethics Officer. Since other international organizations had been consulted, examples of organizations of the UN common system which had created similar disciplinary committees to the one being proposed should be provided. For informed decision-making, knowledge of the existing process for imposing disciplinary measures and the principal changes ensuing from the envisaged measures was indispensable. It was also unclear which bodies would refer cases to the Disciplinary Committee and how the sanctions imposed would be determined, which body would take the final decision in the absence of consensus in the Disciplinary Committee and possible lack of independence of investigations. Without prejudice to the Office's response, GRULAC restated the importance of implementing the recommendation of the JIU on the status of the investigative function. More information was needed on how the Disciplinary

Committee would function during investigations of allegations of sexual or other types of harassment and the manner in which sanctions would be implemented.

1094. Speaking on behalf of the IMEC, a Government representative of France said that for greater clarity, the appendix should have clearly indicated the envisaged changes in tracked changes. IMEC welcomed the efforts to adapt the ILO's disciplinary framework, reflecting its efforts to implement recommendations of the ILO Committee on Accountability and the Joint Advisory Appeals Board, together with comments by the Administrative Tribunal. It also welcomed the expansion of the list of available disciplinary measures, helping to make sanctions more progressive and proportional, and the provision for proceedings to recover any losses in line with Rule 13.20 of the Financial Rules. The introduction of a disciplinary committee relying on findings by the Internal Auditor would help determine the existence of misconduct and advise the Director-General on the appropriate sanction to be taken. IMEC would welcome further clarification on the selection criteria and the composition of that committee, including gender representation and the parameters governing ex officio membership, recusal guidelines in the event of conflicts of interest, and procedures in the event of absence of unanimity. Details on interactions between the Disciplinary Committee and the ILO Committee on Accountability regarding Rule 13.30(a) of the Financial Rules would be welcome, as would details on how the Committee would respond to acts of retaliation, in particular for whistle-blowers or victims of harassment. Further information on the administrative measures that would complement disciplinary sanctions was also necessary in order to support better remediation of misconduct and minimize the likelihood of repeat offences. IMEC supported the draft decision.

1095. A representative of the Director-General (Director, Human Resources Development Department) confirmed that the Staff Union, the Ethics Office and the Office of Internal Audit and Oversight had been consulted regarding the proposed changes. The revision of the range of sanctions was initiated following the recommendation of the ILO Committee on Accountability and the Joint Advisory Appeals Board, as well as comments from the Administrative Tribunal. The proposed range of sanctions aligned with practice in other international organizations of the UN common system and was intentionally designed to be applied progressively. Sanctions would be applied in line with ILO jurisprudence and UN common system best practices. The Disciplinary Committee was advisory. It would receive cases only after the facts had been established by other bodies. Its role would not be to reassess the facts of cases or trigger new investigations, but to determine whether an offence had been proven beyond a reasonable doubt and then to recommend a proportionate sanction. It would not organize hearings and would deliver its report as expeditiously as possible. The final disciplinary decision would rest with the Director-General. The four members of the Disciplinary Committee would offer a more diverse range of perspectives as they would not be specialists in law or in human resources. The Committee would be consistent in its application of sanctions and members would be briefed on the importance of their role and of the underlying principles of confidentiality, transparency and fairness. They would also receive guidelines. Committee members would be appointed for a term aligned with the mandate of the Director-General. There would be alternate members in the case of recusal. Potential or perceived conflict of interest would entail self-recusal of the Committee member concerned. Confidentiality regarding cases would be strictly binding on members. The protection of whistle-blowers and victims of harassment would be enshrined in separate provisions to prevent any form of retaliation. The ILO Committee on Accountability would continue to perform its role as defined in the Financial Rules in case of fraud; its decision would be reviewed by the Disciplinary Committee. Administrative measures to prevent repeat

offending were covered by the specific staff management framework of the ILO, used to ensure compliance with the standards in the overall performance appraisal system.

- 1096. The Director-General** added that in establishing the Disciplinary Committee the goal had been to enhance transparency in the disciplinary process by having a variety of layers, with a certain degree of autonomy. An area for improvement was the timeline of investigations. The reforms had been instituted to bring the ILO in line with the rest of the UN system and to take account of recommendations of the report by the JIU. Progress was only possible through broad-based discussions and a consultative approach with the Staff Union, to which he expressed thanks for its vision and contribution to the handling of often complex matters.

Decision

- 1097. The Governing Body approved the amendments to Chapter XII of the Staff Regulations relating to discipline, as set out in the appendix to document GB.349/PFA/8, with immediate effect.**

(GB.349/PFA/8, paragraph 5)

9. Matters relating to the Administrative Tribunal of the ILO

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

10. Review of the jurisdictional set-up of the United Nations common system (GB.349/PFA/10)

- 1098. The Employer spokesperson** welcomed the update on the review of the jurisdictional set-up of the UN common system. He recalled that, during consultations on the subject in March 2023, his group had reiterated its concerns about establishing a joint chamber of the ILO Administrative Tribunal and the UN Appeals Tribunal, which were based on the two tribunals having separate bodies of jurisprudence, on the risk of increased litigation costs and delays to final decisions, and on the disproportionate nature of the solution. As stated in paragraph 16 of the document, the judges of the ILO Administrative Tribunal continued to consider that the proposal was fundamentally unsound and should not be pursued. Accordingly, his group agreed with the Office's conclusion that the conditions for the Governing Body to move forward with consideration of any of the proposals for promoting consistency in the ICSC recommendations and decisions had not been met. His group therefore supported the draft decision.
- 1099. The Worker spokesperson** noted with satisfaction that the views expressed at previous sessions of the Governing Body and during the March 2023 consultations had been taken into account by the UN Secretary-General in his third report on the review of the jurisdictional set-up of the UN common system. She was also pleased to note that the UN Secretary-General had underlined that any measures involving changes to the set-up would require the agreement of the tripartite constituents of the ILO. In addition, the ILO Staff Union had been properly informed of developments and had been able to express its position through the Coordinating Committee for International Staff Unions and Associations of the United Nations System, whose collective position had been reflected in the UN Secretary-General's report. The Workers' group supported the draft decision, but wished to state that the informal exchanges among the judges of the tribunals of the UN common system, referred to in paragraph 26(b) of the draft decision, should take place under the conditions agreed by the

ILO Administrative Tribunal in its letter dated 28 July 2023, whereby third-party involvement should be limited to the provision of funding.

- 1100. Speaking on behalf of GRULAC**, a Government representative of Mexico expressed regret that it was not yet possible to resolve the situation currently putting the UN common system at risk. Noting that a comprehensive assessment and review of the compensation system scheduled to be presented to the UN General Assembly in 2026 could give rise to litigation and thereby risk further divergence in jurisprudence, she called on the Governing Body to put forward proposals for resolving that prospective issue. Lastly, she asked the Office to update the Governing Body on the process of implementing post adjustment multipliers in line with ICSC methodology.
- 1101. Speaking on IMEC**, a Government representative of the United States said that the group was committed to upholding the integrity of the UN common system, including through the implementation of approved ICSC recommendations and decisions. IMEC appreciated the contributions made by the Office to the review process. It also appreciated the recognition by the UN Secretary-General that the agreement of the Governing Body was required for any change to be made to the adjudication of cases involving ICSC matters. IMEC looked forward to a further update following the discussions by the General Assembly of that report. She asked the Office to clarify its understanding of how the additional resource requirements for informal exchanges between tribunals would be met, given that the ILO Administrative Tribunal and the UN Appeals Tribunal had each expressed an interest in such exchanges. IMEC supported the draft decision.
- 1102. A Government representative of the Russian Federation** said that the UN common system had been undermined both by the ILO Administrative Tribunal's decision concerning the lack of authority of the ICSC to establish post adjustment multipliers and by the lack of a single jurisdiction across the UN common system. Nothing could now be done about the former, but there were many options for resolving the latter. The most effective would be to establish an appeals mechanism for the ILO Administrative Tribunal. Another option would be to establish a joint chamber to increase the level of interaction between the tribunals. Maintaining informal channels could certainly do no harm, but they might prove ineffective in preventing directly contradictory rulings from being handed down on the same case. Either option might be bureaucratically complex, but no more so than procedures previously completed by the General Assembly and other UN bodies for the purpose of changing the ICSC statute. Another option – which he hoped that the ILO Administrative Tribunal would pursue – would be to increase the participation of the ICSC in the consideration of complaints that directly related to its activities.
- 1103.** He called on the Governing Body to take a more active stance on the jurisdictional set-up of the UN common system. The situation wherein different levels of remuneration were established in different organizations within the UN common system could very likely recur. As a champion of the rights of workers, the ILO should be endeavouring to resolve, not silence, such issues.
- 1104. A representative of the Director-General** (Legal Adviser) said that the question of funding for the informal exchanges between tribunals would be answered definitively once the modalities of the exchanges had been further refined and agreed upon; as the UN Secretary-General's report indicated in paragraph 61, "it would be necessary to establish a framework within which such exchanges could be facilitated and administered". The Office would engage with the UN Secretariat and the registries of the two tribunals to determine those modalities once the General Assembly had made its observations on the UN Secretary-General's third

report at its 78th Session. If those modalities were finalized before March 2024, the Office would include all relevant information in the information document to be submitted at the next session of the Governing Body. However, preliminary consultations suggested that the Office could fund the expenses of such exchanges within existing resources on the basis of the same cost-sharing arrangement used for the apportionment of the standard costs of the ILO Administrative Tribunal.

- 1105. Another representative of the Director-General** (Director, Human Resources Development Department) said that the Office applied the post adjustment multipliers established by the ICSC consistently across all duty stations.

Decision

- 1106. The Governing Body, having carefully examined the third report of the United Nations (UN) Secretary-General on the review of the jurisdictional set-up of the UN common system, decided to:**

- (a) express its appreciation to the Secretary-General for the work accomplished;
- (b) take no follow-up action for the time being, noting the lack of support for the various proposals to address the issue of inconsistent implementation of the recommendations and decisions of the International Civil Service Commission, with the exception of the promotion of informal exchanges among the judges of the tribunals of the UN common system;
- (c) request the Director-General to communicate this decision to the UN Secretariat and to keep the Governing Body informed of any decisions that the UN General Assembly may take on this matter at its 78th session or thereafter.

(GB.349/PFA/10, paragraph 26)

11. Other personnel matters: Membership of the Board of Trustees of the Special Payments Fund (GB.349/PFA/11)

Decision

- 1107. The Governing Body appointed Mr Fabrice Merle as a member of the Board of Trustees of the Special Payments Fund, effective 1 December 2023.**

(GB.349/PFA/11, paragraph 4)

► Appendix I

Opening address of the Director-General to the 349th Session of the Governing Body (Monday 30 October 2023)

Chairperson of the Governing Body, Ambassador Adejola; Employer Vice-Chairperson Ms Renate Hornung-Draus; Worker Vice-Chairperson, Ms Catelene Passchier; members of the Governing Body; ladies and gentlemen,

Like others, I welcome you to this 349th Session of the ILO Governing Body.

Allow me also to add my voice to those who have already spoken to welcome Celeste Drake, Deputy Director-General, Beate Andrees, Regional Director for Europe and Central Asia and Fanfan Rwanyindo Kayirangwa, Regional Director for Africa.

Since our last meeting in June during the International Labour Conference, unfortunately the number of crises and challenges we are facing has only increased.

The latest being the – I must say – tragic intensification of the conflict in Israel and the Occupied Palestinian Territory.

To be completely honest, my heart bleeds.

My heart bleeds when faced with so much human suffering, and I would like to express my deepest compassion to all those affected by this conflict, directly or indirectly.

My heart bleeds when I see that the right to exist of all States in the region, within secure and internationally recognized borders, is still not a reality.

My heart bleeds when I see that, 75 years after its creation, the State of Israel still cannot live in sustainable peace with all its neighbours and in security.

My heart bleeds when I see that the Palestinian people are still not able to enjoy their legitimate and inalienable rights.

None of us should remain indifferent in the face of the brutal loss of so many civilian lives since 7 October.

We should – we absolutely must – join forces to put an end to this terrible human suffering.

Allow me to quote Nelson Mandela who, in his book *Long Walk to Freedom*, said:

No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

In this context, the ILO is mandated to promote social justice, which alone can lay the foundation for a universal and sustainable peace. The ILO is a house of dialogue, and we can and should contribute to this universal peace.

The Office manages various programmes to promote decent work in the region. Through them, the Office seeks to create a basis for peaceful development which will benefit all the peoples in the region.

That includes the Occupied Palestinian Territory where the Office has been working since the signing of the Oslo Accords in 1993 to promote the right to work, improve employment and extend social protection to all people. A new Decent Work Programme was agreed and signed with the constituents in February 2023.

In response to recent developments, we have reprogrammed our resources. We are currently channelling emergency aid to provide shelter and other relief to Gazan workers who are temporarily in the West Bank and are facing dire living conditions. In addition, we have prepared a three-stage emergency response programme covering social protection, skills, employment and business recovery, especially for SMEs.

We will do all we can to continue this important work.

We are also making every effort to ensure the safety and security of our staff in the region. Staff in the Jerusalem office are working from home, and we are in continuous contact with our colleague in Gaza who, with their family, has taken refuge on the premises of our colleagues at the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

We also continue to stand in full solidarity with all those affected by the conflict in Ukraine.

The ILO is firmly committed to intensifying resource mobilization to ensure that we can respond fully to the needs of our Ukrainian constituents. We are accelerating our dialogue with the Government to set up the first ILO office in Ukraine, and the Regional Director was there just two weeks ago.

The ILO also continues to stand in solidarity with all other populations affected by conflicts around the world, and we are continuing our activities insofar as security conditions allow.

Against this tragic backdrop, we continue to face an extremely serious global employment situation. As we announced in early January, global employment growth in 2023 is expected to reach just 1.0 per cent, less than half the level reported in 2022.

In general, activity rates are not returning to pre-pandemic levels. Weak economic conditions are having an impact on people returning to the labour market. More and more workers are being forced to accept lower-quality jobs, poorly paid jobs, jobs lacking basic labour rights, job security and social protection. This is exacerbating the inequalities already heightened by the repercussions of the COVID-19 crisis, including gender inequalities. Young people in particular continue to face major difficulties.

The situation is particularly serious in low-income countries, especially those that are also struggling with significant and unmanageable levels of debt.

But the landscape is not entirely bleak. The ILO also predicts that the total number of unemployed people in the world will fall by around 1 million in 2023. And the number of people living in extreme poverty while in employment has continued to fall since the peak of the COVID-19 crisis.

Overall, however, it is clear that much more vigorous action is needed to ensure decent work.

This brings me to the agenda before this session of the Governing Body.

Many of the items that we will discuss seek to respond to the gravity of this complex situation.

First, let me highlight our discussions on the Global Coalition for Social Justice.

At the Conference in June, we received feedback on the Coalition from all three groups. We are grateful for these inputs and have amended our proposals accordingly.

We have also conducted three substantive consultation sessions. We have sought to incorporate the outputs of these into the governance and priorities of the Global Coalition. The results are in the document you have before you for this session.

We look forward to receiving your further guidance on the Coalition.

This being said, let me emphasize that the need for the Coalition to start work is becoming increasingly urgent. There is so much to be done, and so much the Coalition can accomplish.

The Global Coalition will also help the Office prepare fully for the highly important United Nations Summits that are on the horizon, and which we will also be discussing later this week.

I am talking about the Summit of the Future that will be held in 2024, and the second World Social Summit that will take place in 2025 – if the General Assembly so agrees.

Last month, I attended the SDG Summit in New York. There, I had the opportunity to speak to world leaders about the need to strengthen public institutions and create policies that are integrated more effectively in order to achieve the Sustainable Development Goals by 2030. The Global Accelerator on Jobs and Social Protection for Just Transitions will be of particular importance.

I was also pleased to speak at the launch of the U.S.–Brazil Partnership for Workers' Rights, together with President Joe Biden of the United States of America and President Luiz Inácio Lula da Silva of Brazil.

And I took part in the Global Citizen Festival, which launched the ILO global campaign to raise awareness of the need to reduce inequalities in the world of work.

All these events enabled us to turn a public spotlight onto the priorities that this Governing Body has endorsed.

This session will also be following up on some of the key Conference discussions held in June.

This includes the technical committees, which adopted important conclusions on just transition and labour protection, and a Recommendation concerning quality apprenticeships.

We will be looking at how this Office can implement these recommendations, and how we can work with our constituents to raise the profile and priority of the issues concerned.

We will also discuss several country cases raised through the complaints mechanisms in the ILO Constitution.

Among them is Belarus. We will consider how to maximize the impact of the measures adopted by the Conference under article 33 of the ILO Constitution to improve respect for fundamental workers' rights in Belarus.

Another point of follow-up to the Conference that I would like to highlight relates to the Programme and Budget for 2024–25. The Office is now working intensively to prepare its implementation and I can assure you that we will be ready to do so from day one of the next biennium.

Finally, under my own report to the Governing Body I will be informing you of ratifications of the 1986 Instrument for the Amendment of the Constitution of the ILO. I am disappointed

to say that since we last looked at this matter, at the March session of the Governing Body, there have been no new ratifications of the Amendment.

Therefore, let me use this opportunity to reaffirm my commitment to working with you to ensure that the 1986 Amendment enters into force. As you know, for that to happen we need three more ratifications by ILO Members of chief industrial importance.

You will all be keenly aware that after we conclude our normal business, the Governing Body will move on to two extraordinary, dedicated and important discussions.

One, on 10 November, has been called to examine the request of the Workers' group and of some Governments for referral of the right to strike and related issues to the International Court of Justice, in line with article 37.1 of our Constitution.

The other, on 11 November, will consider the Employers' group's proposal, supported by one Government, to negotiate a protocol on the right to strike at the next session of the Conference.

I am looking forward to those discussions. I hope they may provide a way to resolve the uncertainties that have complicated, and at times halted, the work of our supervisory machinery. I know from my conversations with several of you that many of you share this hope.

As I said at the start of my intervention, this Governing Body session is being held at a time of alarming geopolitical tension and heartbreaking human suffering.

In times like these, the ability to move ahead on issues that are difficult and sensitive, but which can really improve the lives of ordinary people, is even more valuable, and necessary. This house, and the Governing Body, has a record of doing just that. Our Organization is known for its ability to achieve progress in the most difficult times.

I very much hope that the Governing Body will build on that unique record by making compromises and attaining consensus on the difficult issues we have before us on our agenda these weeks.

Thank you.

► Appendix II

Statement by the Chairperson of the Staff Union Committee

349th Session of the Governing Body,
(31 October 2023)

Chairperson, Director-General, members of the Governing Body, dear colleagues, and all of you here today, in the room or online,

I address you for the second time as Chairperson of the Staff Union Committee of this Organization, which brings you together again, today, within these walls – walls that you may note are gradually revealing their new lease of life. I wish to thank the staff members who work to provide us all – whether we are employees of the Organization, decision-makers like you, or visitors to conferences or workshops – with the best material conditions for productive and efficient, yet pleasant work. They work long hours to ensure that we all have the necessary comfortable working conditions.

Indeed, we are **privileged**. It is a very real sentiment among the colleagues that I represent. Privileged in terms of our working environment in Geneva, and also in many duty stations; privileged as we have a work contract, a substantial salary and associated rights; privileged above all in the meaning of what we do. Indeed, it seems to be a “luxury”, today, to be able to work to defend, construct and promote the values of social justice, equality, non-discrimination, freedom of association, and respect for human dignity at work. We are proud to do so and it is what allows us to keep going.

This awareness of our privilege is what actually stops us, most often, from complaining about things that are not right. Because, of course, the life of an international civil servant **is not all rosy**: colleagues in different duty stations see their purchasing power eroded by inflation, the devaluation of their national currency and the increase in the cost of living. Meanwhile, the new methodology adopted by the International Civil Service Commission (ICSC) has not yet been proven, potentially will not be able to cope with the fluctuations, and is mired in an administrative inertia that thwarts the required responsiveness. We also wonder about the potentially unfavourable consequences of the ongoing revision of the remuneration system of the United Nations common system.

It is also hard to continue working when the standard contract for the majority of colleagues is for a period of one, or at most, two years, renewable for one to three months, which makes it difficult to plan life in the medium term. Difficult moreover when the prospects for career development and recognition of performance are ever slimmer. Even more difficult when many colleagues find themselves in situations of war, conflict and violation of human rights; we are, in these situations, “privileged” to have an Organization that takes care of national and international colleagues alike, which is not the case for other sister agencies of the United Nations. On the agenda you have a number of items relating to the Organization’s response to dramatic situations where our colleagues are present and continue tirelessly to defend our values of human dignity: Ukraine, the Russian Federation, Myanmar, Afghanistan, the Sudan, the Occupied Palestinian Territory, Jerusalem. The messages of solidarity that the Union had to send this year were too numerous. Who would have thought that I would wish for the Union to have had less frequent need to call for solidarity. But our leitmotif is well established: “we do not complain, we are far luckier than most of the population”. And so we continue, with self-sacrifice and passion, to serve this cherished mandate.

The year that has just passed has been, rightly, a **search for the meaning** to give to this mandate which evolves according to the guidance that you, our constituents, provide, within the approved programme and budget framework. In June, the staff followed the budgetary approval process with a mixture of faith and apprehension. This search for meaning is reflected in interpersonal relations, between staff and management, and also in how we work. Many **structural changes** are in fact under way within the Organization to adjust, transform, streamline and maximize the way we work. If the desire of the Director-General on his arrival was, indeed, not to engage in major restructuring, the fact remains that change is the order of the day for many departments, units and projects at headquarters and in the field, and that many colleagues are still struggling to find meaning and their place in this process.

We also had to reinvent ourselves to implement the **new ILO policy on flexible working arrangements**. We are proud of this: the policy is a common commitment by the senior management and staff that affirms that trust must be at the heart of working relations, and that it is essential to find a balance between aspirations, individual interests and team and collective dynamics. This policy is, finally, a reaffirmation that our workplaces are evolving and that our working methods must also evolve, all while preserving what is essential, of course.

It is our wish, at long last, to make progress on **negotiations** that have long been blocked and have forced us, together with the senior management, to approach certain negotiations in a new way, putting aside positions that seem to be irreconcilable in order to identify, first and foremost, our common interests, and to move forward constructively based on those shared interests. It is interesting to note that this desire to make progress has led us, with the senior management, to take the time to return to the very foundations of the collective bargaining process, that is, to ensure that the principles of good faith, the mandate and the delegation of authority are shared by all parties to negotiation and that the necessary mechanisms are also in place to resolve differences that could arise; and to be able to call on the necessary and relevant means of expressing a difference of opinion or opposition. It is important that the requisite processes are in place and are understood and observed by all in order to enter into negotiations. It also seems to me to be a happy coincidence that the item on collective bargaining is on the agenda of this session of the Governing Body.

Thus, we have been able to make progress this year on the **revision of contractual conditions** and to reach an agreement on a list of measures to be implemented and which would provide for equal treatment of all colleagues, whether their positions are financed from voluntary contributions – which is the case for the vast majority of our staff today – or from assessed contributions. It is unacceptable that most of the staff are in precarious employment positions. But of course, the refrain remains the same “we do not complain, we are privileged.” It is all a question of where we place the benchmark.

So, what do we want to compare ourselves to? and, what must we aspire to? For the ILO Staff Union, it is clear that we must only aspire to the best when it comes to working conditions and social dialogue, and it is our duty, along with the senior management, to set an example. It would be unacceptable if, once again, “the shoemaker wears the worst shoes”. We must have the resources to achieve our ambitions, while remaining realistic about what is possible. The work ahead to make our commitments a reality is certainly daunting, but the Union has confidence in the will of the Director-General and his administration to ensure that dialogue will be able to continue and, if necessary, that they will venture towards creative proposals to guarantee that the staff that serve you will enjoy decent working conditions which are sustainable in the long term, and, why not, which allow us to dream of exemplary working conditions and of becoming the model to follow for the whole United Nations common system.

It is this **exemplary nature** that I would like to talk about as I refer to certain items from the Governing Body's agenda. Soon, you are going to consider document GB.349/PFA/8, which proposes an amendment to Chapter XII of the Staff Regulations on discipline, and then document GB.349/PFA/10 on the jurisdiction – among other things – of the Administrative Tribunal across the common system. These documents talk about discipline and justice.

As international civil servants, we should behave in a truly exemplary manner. In the introduction to the Standards of Conduct of the International Civil Service it is written that “it is therefore incumbent on international civil servants to adhere to the highest standards of conduct; for, ultimately, it is the international civil service that will enable the United Nations system to bring about a just and peaceful world.” Therefore, it goes without saying that our workplaces should be exemplary in terms of mutual respect, should be free from all forms of violence and harassment, and should ensure the independence of international civil servants as they carry out their duties. It is important to be able to put the necessary instruments in place to respond to any unacceptable situations, but even more so, to work to ensure that they do not arise in the first place: it is too late for the individual and for the institution when the damage has already been done. The efforts of the Human Resources Development Department described in document GB.349/INS/6(Rev.1) “Review of the implementation of the strategy to give effect to the resolution concerning the elimination of violence and harassment in the world of work” should be intensified. Yesterday, you considered document GB.349/PFA/6 on the reports of the Joint Inspection Unit on matters relating to all entities of the United Nations system. Many of the areas that are the subject of recommendations or that will be reviewed next year are linked directly or indirectly to this issue, and should take into account the importance of better prevention, and above all, managerial responsibility. In any case, we hope that next year we will be able to negotiate new measures to prevent and to deal with violence at work, because we are honestly witnessing too many situations in which our colleagues are suffering.

This is a priority to which we should dedicate ourselves and the time it needs. It is therefore welcome that the review of jurisdictional questions relating to the United Nations common system, contained in document GB.349/PFA/10, recommends that no follow-up action should be taken. In fact, it is time to leave behind us this debate on modifying the jurisdictional structure of the United Nations system and to stop calling into question the jurisdiction of the ILO Tribunal. The Staff Union has clearly stated its opposition to any change in jurisdiction, a position that is actually shared by a number of stakeholders, as it would make justice for ILO staff members very distant and separate.

The amendments you have before you to the Staff Regulations concerning disciplinary measures promote a culture of progressiveness and correction. We want to recognize that we have the **right to make a mistake**, and that the Organization should allow us to acknowledge a mistake – when it is acceptable to do so – and to learn from that mistake. It has become increasingly easier to accuse another person or even the system – yes, IRIS is often an easy target – and to make excuses, rather than taking full or partial responsibility for a mistake. Behaving in an exemplary manner of course also means recognizing that we are not perfect but that we do act in good faith. This review also implies a managerial ability to listen to colleagues and to understand why a mistake was made, and to consider an appropriate response that is proportional to whatever the mistake was. We are in a context where we are constantly required to do more, to meet greater demands and more priorities, where fear has become a driving force: fear of not being able to compete with the other organizations that are talking about decent work, fear of not mobilizing sufficient resources, fear of seeing artificial intelligence replace us. We have reached a situation where supervisory and reporting

mechanisms are becoming so invasive that the time we have to do “our work” is increasingly rare and precious. It is becoming difficult to recognize and to admit that, in the end, we are “only” human, motivated by our desire to meet the needs of the Organization.

But of course, “we do not complain, we are privileged”.

Yes. We are, in many ways.

I am privileged to have been able to speak to all of you today – and I must say ... you remain impressive, but I also trust in your kindness.

I am also privileged that all my colleagues have placed their trust in me to raise their voices, and I am proud of that.

But above all, and finally, when you, representatives of the world of work, make decisions, and we, civil servants, implement them, we must not forget the privilege – and the responsibility – that we have, remaining faithful to our Constitution, to promote social justice, which is vital to achieving sustainable and universal peace.

Thank you for your attention.