



Governing Body

328th Session, Geneva, 27 October–10 November 2016

GB.328/PV

Minutes of the 328th Session of the Governing Body of the International Labour Office

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The 328th Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 27 October to Thursday, 10 November 2016, presided over by Mr Ulrich Seidenberger of Germany as Chairperson.

The list of persons who attended the session of the Governing Body is appended.

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Institutional Section

1. The Institutional Section met on Monday, 31 October and Friday, 4 November and from Monday, 7 November to Thursday, 10 November 2016. The Chairperson of the Governing Body, Mr U. Seidenberger (Government, Germany), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr J. Rønneest (Denmark), was the Employer spokesperson for the Section, except in respect of item 5/1, “Matters arising out of the work of the 105th Session of the International Labour Conference, Follow-up to the resolution concerning decent work in global supply chains (general discussion)”, where Mr E. Potter was spokesperson; item 5/2, “Matters arising out of the work of the 105th Session of the International Labour Conference, Follow-up to the resolution on Advancing Social Justice through Decent Work: Proposals relating to the modalities of recurrent discussions”, where Ms R. Hornung-Draus was spokesperson; item 7, “Decent work for sustainable development”, where Mr J.M. Lacasa was spokesperson; item 8, “Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015)”, where Ms H. Liu was spokesperson; item 13, “Review of the implementation of the ILO–ISO agreements” and item 17/5, “Report of the Director-General, Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work”, where Mr K. de Meester was spokesperson; item 14, “Reports of the Committee on Freedom of Association”, where Mr A. Echavarría was spokesperson; and item 15, “Report of the Board of the International Training Centre of the ILO, Turin”, where Mr M. Mdwaba was spokesperson. Mr L. Cortebecq (Belgium), spokesperson for the Workers, except in respect of item 5/1, where Ms C. Passchier was spokesperson; item 5/2, where Mr K. Ross was spokesperson; item 7, where Mr F. Atwoli was spokesperson; item 8, where Mr P. Dimitrov was spokesperson; items 13, 17/3, “Report of the Director-General, Third Supplementary Report: Outcome of the Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market (Geneva, 5–7 July 2016)” and 17/4, “Report of the Director-General, Fourth Supplementary Report: Outcome of the Meeting of Experts on Fair Recruitment (Geneva, 5–7 September 2016)”, where Ms S. Cappuccio was spokesperson; and item 17/5, where Ms M. Clarke Walker was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 328th Session:

Policy Development Section

Employment and Social Protection Segment

(Wednesday, 2 November 2016)

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

Employer spokespersons:

Item 1, outcome 3: Creating and extending social protection floors (including the flagship programme): Mr O. Diallo

Item 2, outcome 4: Promoting sustainable enterprises: Mr T. Walcott

Item 3, Labour-related provisions in trade agreements: Recent trends and relevance to the ILO: Mr E. Potter

Item 4, Voluntary peer-review mechanisms of national employment policies: Mr P. O'Reilly

Worker spokesperson: Mr P. Dimitrov

Social Dialogue Segment

(Thursday, 3 November 2016)

Chairperson: Mr C. Jeannerot (France)

Employer spokespersons:

Item 5, Sectoral meetings held in 2016, and item 8, Review of the Sectoral Policies
Department: Mr P. Woolford

Item 6, Preparations for the IV Global Conference on Child Labour: Ms J. Mugo

Item 7, Follow-up within the Office to the resolution concerning fundamental principles
and rights at work adopted by the International Labour Conference at its 101st Session
(2012): Ms R. Hornung-Draus

Worker spokespersons:

Items 5 and 8: Mr B. Thibault

Item 6: Mr G. Martinez

Item 7: Mr K. Ross

Development Cooperation Segment

(Wednesday, 2 November 2016)

Chairperson: Mr C. Jeannerot (France)

Employer spokesperson: Ms J. Mugo

Worker spokesperson: Mr M. Guiro

Legal Issues and International Labour Standards Section

Legal Issues Segment

(Friday, 4 November 2016)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Ms L. Horvatic

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment

(Friday, 4 November 2016)

Chairperson: Mr G. Corres (Argentina)

Employer spokespersons:

Item 2/1, The Standards Initiative: Report of the second meeting of the Standards
Review Mechanism Tripartite Working Group: Mr A. Echavarría

Item 2/2, The Standards Initiative: Follow-up to the joint report of the Chairpersons of
the Committee of Experts on the Application of Conventions and Recommendations
and the Committee on Freedom of Association: Mr J. Rønne

Item 3, Proposed form for reports to be requested under article 19 of the Constitution
in 2018 on the Social Protection Floors Recommendation, 2012 (No. 202):
Mr E. Potter

Worker spokespersons:

Items 2/1 and 2/2: Mr L. Cortebec

Item 3: Ms C. Passchier

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment (Monday, 31 October 2016)

Chairperson: Mr U. Seidenberger (Germany)

Employer spokesperson: Mr M. Mdwaba

Worker spokesperson: Mr L. Cortebeeck

Audit and Oversight Segment (Tuesday, 1 November 2016)

Chairperson: Mr U. Seidenberger (Germany)

Employer spokesperson: Mr M. Mdwaba

Worker spokesperson: Mr L. Cortebeeck

Personnel Segment (Tuesday, 1 November 2016)

Chairperson: Mr U. Seidenberger (Germany)

Employer spokesperson: Mr P. Woolford

Worker spokesperson: Mr L. Cortebeeck

Working Party on the Functioning of the Governing Body and the International Labour Conference (Thursday, 3 November 2016)

Chairperson: Mr U. Seidenberger (Germany)

Employer spokesperson: Mr J. Rønnest

Worker spokesperson: Mr L. Cortebeeck

Committee on Freedom of Association (Thursday, 27 to Friday, 28 October 2016)

Chairperson: Mr P. van der Heijden (Netherlands)

Employer Vice-Chairperson: Ms R. Hornung-Draus

Worker Vice-Chairperson: Mr Y. Veyrier ¹

Opening remarks by the Director-General

3. *The Director-General* pointed to the complex issues facing the Governing Body. Those issues showed that the ILO was both addressing matters of the highest relevance and importance, as was its responsibility, and also that the reform of its Governing Body had rendered it better equipped than ever to discharge its governance responsibilities. The prevailing economic climate and the difficult questions before the Governing Body, including the Organization's role in respect of large-scale movements of refugees and displaced persons and in respect of global supply chains, imposed an obligation on the ILO to demonstrate it was capable of providing real answers to people's real problems. Likewise, it would have to act with determination and courage to reach consensus and prove that

¹ Substituting Mr L. Cortebeeck.

tripartism could and would work for social justice. The Governing Body was also called on to review the Standards Initiative. That review was an existential endeavour for the ILO, aimed at ensuring that the Organization maintained a robust body of instruments and the means of supervising their application authoritatively. Therefore, along with the several country-specific complaints, it should be addressed with a sense of responsibility, commitment, objectivity and determination.

4. The Governing Body would also be discussing two further complementary but distinct agenda items which were crucial in defining the direction the ILO would take over the next five years – up to and beyond its centenary. Those were the ILO's Strategic Plan for 2018–21 and the preview of the Programme and Budget proposals for 2018–19. The Strategic Plan aimed to set out as concisely as possible what the ILO should look like in 2021. It thus included six ambitions against which the ILO's success could be judged in time. The institutional context for implementation of the plan was structured on four pillars: the Centenary Initiatives, the Conference resolution on Advancing Social Justice through Decent Work; the United Nations 2030 Agenda for Sustainable Development (2030 Agenda); and the ILO reform process. The Plan put forward a complex but clear programmatic and institutional roadmap, in which the Centenary Initiatives stood centre stage, including the ILO's contribution to the imperative of a just transition to a low carbon future, with the Future of Work Initiative gaining prominence as the ILO's centenary approached. The Programme and Budget proposals for 2018–19 could be viewed as a preview of the vision in the Strategic Plan put into operational form for the first half of its period of implementation. The comments and guidance of the Governing Body would inform the final proposals, which would contain the fully fledged metrics of the Organization's results-based management. The programme and budget proposals contained ten policy outcomes, accompanied by three enabling outcomes and four cross-cutting policy drivers including a new driver on environmental sustainability. All policy outcomes contained an outcome statement; the challenge to be addressed; the lessons learned from previous work; expected changes; means of action; synergies with other outcomes and drivers; external partnerships; and risk assessment. The existing and proposed policy outcomes addressed important issues of critical and widespread concern to ILO Members that needed to be implemented over more than one biennium. The document provided a continuity–innovation balance, adapting the ILO's work to emerging key issues within coherent longer term approaches. As was usual, no reference to resource allocations or overall level of the budget was made; that matter would be taken up in March 2017, following wide consultations. In that respect, the Office remained cognizant of the budgetary constraints of member States, as reflected in its determination to increase efficiency and quality in its work.

First item on the agenda

Appointment of the Director-General

Action to be taken regarding the election and appointment of the Director-General ([GB.328/INS/1](#))

Decisions

5. *Consistent with the practice followed since the adoption in 2011 of the current Rules governing the appointment of the Director-General, the Governing Body decided to apply the process and arrangements contained in the appendix to*

document GB.328/INS/1 for the hearing, election and appointment of the Director-General.

(GB.328/INS/1, paragraph 3.)

6. An election for the appointment of the Director-General of the ILO was held in accordance with the Rules governing the appointment of the Director-General, as amended by the Governing Body at its 312th Session (November 2011). The required majority being 29 votes, Mr Guy Ryder received 54 votes. Mr Guy Ryder was accordingly appointed for a second five-year term commencing 1 October 2017 as Director-General of the International Labour Office, on remuneration and other conditions of employment as determined by the Governing Body in May 2012.
7. *The Chairperson* announced that the results of the ballot which had taken place in a private sitting had been: 54 votes in favour of Mr Guy Ryder, 2 blank ballot sheets and 0 invalid ballot sheets. Mr Guy Ryder had therefore been appointed for a second term as Director-General.
8. *The Director-General* thanked the Governing Body for electing him to serve for a second term as Director-General. The fact that members of all three groups had voted for him was a sign that they were ready to join forces in pursuit of a common purpose; that willingness constituted a major institutional asset for the ILO.
9. In the run-up to the election, he had been endeavouring to convey the message that it was important to increase the ILO's effectiveness and influence in order to attain social justice around the world. The Organization could not settle for marginal changes. In order to gain more influence it had to become a more visible protagonist in member States and the international system. It had to base all its actions on the pursuit of excellence and focus on the most pressing issues. It must also continue to innovate and never avert its attention from any matter that fell under its responsibility simply because it was overly difficult or outside its comfort zone. Such challenges had to be accepted because attaining social justice opened up positive vistas for humanity, whereas denying it jeopardized the stability of societies and the preservation of peace. The world of work was where social justice was hammered out and societies were moulded, but it was also where injustice was perpetrated, and minds and bodies broken. The current meeting bore witness to the conviction that the tripartite constituents could work together to construct the future that everyone wanted.
10. Unprecedented transformations in the world of work had united the members in the realization that it was time to reflect deeply on the future of work. The ILO's centenary in 2019 would afford an opportunity to do so, since it represented not only a milestone in the ILO's proud history but must also be a signpost towards its future success. Success in ensuring that sustainable enterprise generated decent work, in protecting collective bargaining rights and in guaranteeing the full performance of standards-related responsibilities depended on the united efforts of all its Members and constituents. The normative backbone of the ILO must be strong in order that it could maintain its authority when giving effect to its founding values through the supervision of its Conventions and Recommendations and could steer the world of work towards an environmentally sustainable future, ensure equal work opportunities for all and be a lead partner in the efforts of the multilateral system to achieve the 2030 Agenda. The reform and improvement of the ILO would continue, along with bridge building to achieve convergence on tough issues. He called on participants to strive towards further achievements. He undertook to do his utmost to deserve the renewed confidence placed in him, to listen and respond, and to work with the staff he had the privilege to lead and on whose shoulders the burden of the ILO's responsibilities lay.

11. *The Employer spokesperson* congratulated the Director-General on his re-appointment. His group looked forward to continuing their cooperation with him. He thanked the Director-General for committing himself to further constructive cooperation with the social partners in order to strengthen the ILO and to ensure that it was viable and relevant at the global level and could meet the many challenges that undoubtedly lay ahead.
12. *The Worker spokesperson* congratulated Mr Ryder on his re-election as Director-General of the most important organization for workers and for social justice. Although full social justice was probably an unattainable goal, it needed to be addressed with renewed vigour in the interests of the credibility of national and international institutions, including the ILO itself, especially in the current rather dangerous global political climate. After several difficult years, the supervisory mechanism was functioning and the standards review was on track. A number of international labour standards were adopted. Decent work and social protection had been included among the 2030 Sustainable Development Goals (SDGs). The implementation of the Strategic Plan for 2018–21 and the Future of Work Initiative called for the commitment of all constituents in order to secure a better future for all in the world of work.
13. *The Chairperson of the Government group* conveyed his group's sincere congratulations to the Director-General on his re-election. His second mandate should build on the achievements of his first term of office when dealing with the significant challenges posed by a changing world of work, which called for a strong and relevant ILO. His commitment and leadership were the qualities needed to put the ILO on the right path towards the implementation of the 2030 Agenda. The Government group had confidence in the Director-General's ability to coordinate the forces moving the Organization and promote authentic tripartism. The group was aware of its share of responsibility in those endeavours and looked forward to working closely with the Director-General.

Second item on the agenda

Approval of the minutes of the 327th Session of the Governing Body ([GB.328/INS/2](#))

Decision

14. *The Governing Body approved the minutes of its 327th Session.*

(GB.328/INS/2, paragraph 2.)

Third item on the agenda

Agenda of the International Labour Conference and Addendum: Proposals for the abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and the withdrawal of Recommendations Nos 7, 61 and 62 ([GB.328/INS/3](#) and [GB.328/INS/3\(Add.\)](#))

15. *The Employer spokesperson* said that his group strongly supported the strategic and coherent approach to setting the agendas of the International Labour Conference as set out in the document. The group saw no added value in developing a new Convention or Recommendation on the first option under paragraph 10(a)(ii) of document GB.328/INS/3(Add.), “a just transition of the world of work towards environmentally sustainable economies and societies for all (standard setting)”. The issue could be better addressed on the basis of the non-binding 2015 *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, which provided a balanced, comprehensive policy framework, and through social dialogue in the broader context of sustainable employment and social justice. The second option, “The changing nature of unemployment and underemployment: The role of technology and other structural drivers of change (general discussion)”, while important, would be dealt with during the first recurrent discussion on employment under the new five-year cycle. His group would prefer the third option, “Effective ILO development cooperation in support of the Sustainable Development Goals (general discussion)”, which had originally been proposed by the Employers and was crucial in strengthening the ILO’s contribution to implementation of the 2030 Agenda. Such a discussion would raise issues such as the social partners’ involvement in the implementation of development cooperation programmes, ways to strengthen the ILO’s leading role as more and more agencies, non-governmental organizations (NGOs) and international organizations launched development cooperation projects in the area of decent work, and how best to ensure coherence between field-level interventions and policy guidelines approved by the constituents, and to improve resource mobilization and the efficiency and impact of development cooperation. He supported the draft decision as amended.
16. *The Worker spokesperson* said that his group generally supported the Conference concept of having three technical items with regular committee sittings and was not in favour of a technical committee holding a very limited number of meetings. He highlighted the significant role of the recurrent discussions in setting the Conference agenda, notably in identifying gaps in standards and placing standard-setting items on the agenda of the Conference. The Standards Review Mechanism (SRM) was an additional means of identifying gaps in standards, as had been demonstrated during the second meeting of the SRM Tripartite Working Group (SRM TWG), where gaps in standards had been identified in the areas of apprenticeships and shift work. With regard to the technical item to be included on the 2018 Conference Agenda, the Workers supported a standard on a just transition with a view to the adoption of both a Convention and a Recommendation. A new ILO instrument, building on the 2015 *Guidelines*, would provide constituents with guidance on how to strengthen environmental protection by consolidating the social and economic measures needed to ensure a just transition to a low-carbon economy. The instrument would: further elaborate the policies needed to ensure that arrangements for a just transition would be put in place in the world of work and would identify international labour standards which could guide action on those different policies; allow the ILO to make a timely contribution to implementation of the 2030 Agenda; and show the value of the Organization’s standard-setting function and the role that actors in the world of work could play in ensuring that the

transition to environmentally sustainable economies also addressed the social and economic pillars of sustainability. His group supported the proposal to convene a Meeting of Experts in 2017 in preparation of the Conference discussion, complemented by a report on law and practice and a questionnaire sent to constituents. There was precedent for placing more than one standard-setting item on the Conference agenda, and two new standards – on violence and harassment, and a just transition, respectively – would send a strong signal that the ILO was seeking tripartite consensus on topical issues for its second century of existence. The item on unemployment and underemployment could be dealt with by the High-Level Global Commission on the Future of Work and also in the next recurrent discussion on employment. Because the SDGs were addressed in the 2016 Report of the Director-General, *The End to Poverty Initiative: The ILO and the 2030 Agenda*, there was no need for a new agenda item on effective ILO development cooperation; the Governing Body should follow up on that topic in its Development Cooperation Segment. A preliminary discussion on the building blocks of a possible Centenary Declaration could be held in 2018 in the Selection Committee.

17. Turning to the six possible items for the Conference agenda beyond 2019, he said that a discussion on inequalities and the world of work would be consistent with the ILO's social justice mandate and the SDGs, bearing in mind that the High-Level Global Commission on the Future of Work was expected to be addressing the topic. His group did not support the inclusion of a specific item on the relationship between employment and social protection, as it would go against the mandate set forth in the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration) to give equal importance to the four strategic objectives. It had already been agreed that the resolution of individual labour disputes would be discussed during the recurrent discussion on the fundamental principles and rights at work at the 106th Session of the Conference (2017) and under set of instruments 12 of the initial programme of work of the SRM TWG in a future meeting of that group. It was urgent to allocate resources to the Meeting of Experts on non-standard forms of employment, which should take place in 2017. His group was in favour of convening a sectoral technical meeting or a Meeting of Experts on decent work in the world of sport. The issue should be followed up by the sectoral advisory bodies in January 2017. The scope of the fight against corruption should include both public services and the private sector and, once again, the topic should be addressed by a Meeting of Experts and could also be addressed by the sectoral advisory bodies in January 2017. The strategic and coherent approach to the setting of the Conference agenda, in line with the Social Justice Declaration, should continue beyond 2019, especially in order to support the Standards Initiative. The issues raised in paragraph 39(a) and (c) of document GB.328/INS/3 were particularly important as they concerned recommendations made by the SRM TWG and the cycle of recurrent discussions. Regarding paragraph 39(b), follow-up and review activities at the UN High-level Political Forum (HLPF) on Sustainable Development should be addressed through the Reports of the Director-General or at World of Work Summits rather than by technical committees. These issues were also linked to Governing Body sessions. As 2018 would mark the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and the tenth anniversary of the Social Justice Declaration, the period leading up to and including the 107th Session of the Conference (2018) should be used to reinvigorate the campaign for universal ratification of the core ILO Conventions in preparation for the centenary celebration in 2019.
18. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Japan said that ASPAG would prefer the item on effective ILO development cooperation in support of the SDGs as a new agenda item. Decent work was at the core of the 2030 Agenda and the ILO was playing an increasing role in development cooperation, which should be discussed as part of the agenda of the Conference rather than the agenda of the Governing Body. Concerning the theme of structural unemployment and underemployment, an analysis of member States' labour markets would be a useful starting point since there was, as yet, no consensus on their exact definitions. If the topic was retained in the context of the agenda

of the Conference an expert meeting could be convened for further preparation. Cooperation with other international organizations would also be required to prepare for a discussion on that theme. ASPAG recognized the importance of reforming the world of work to realize sustainable societies and economies in order to address climate change. However, as a standard-setting item on violence and harassment against women and men in the world of work had already been included in the agenda for the 107th Session of the Conference in 2018, a general discussion on a just transition would be preferable, rather than including it as a second standard-setting item. Furthermore, as standard-setting items were usually discussed twice, the inclusion of a second standard-setting item would fix the Conference agenda up to 2020 and reduce flexibility in setting the agendas of future sessions.

19. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that her group appreciated the elements provided in the document, which had become the hallmark of the discussion on setting the agenda of the Conference. It was in favour of adding a standard-setting item on the first option, as a just transition could create many new decent jobs, protect workers and enterprises, and enable social dialogue while providing remedies for those affected by change. The issue was particularly timely in view of the entry into force of the Paris Climate Change Agreement and was in line with Vision 2030. Her group further supported paragraph 10(b) of the revised draft decision on placing an item on the abrogation of six Conventions and withdrawal of three Recommendations. With respect to paragraph 10(c) concerning the guidance on the implementation of the strategic and coherent approach, her group would support in the following order of priority: follow-up to the conclusions concerning decent work in global supply chains; follow-up to the Future of Work Initiative, which, as previously suggested in the Governing Body, might require further examination at the Conference in 2019; the outcome of the discussion by the Committee on the Application of Standards (CAS) of the General Survey concerning migrant workers instruments, which should be kept under consideration; and the immediate consideration of the development of a Centenary Declaration. With respect to paragraph 10(d) concerning guidance on future steps in relation to items not chosen, the Africa group said that further research and comments from constituents on structural unemployment and underemployment were needed, but the topic should be considered for future discussion. Her group continued to support discussion of effective ILO development cooperation in support of the SDGs in the context of follow up to the End to Poverty Initiative, which should be kept under review as it might have further implications for the Conference agenda. The group reiterated that the four subjects requiring further work should remain under consideration for the agenda of future sessions.
20. *Speaking on behalf of industrialized market economy countries (IMEC)*, a Government representative of Norway said, regarding the new cycle for recurrent discussions, that IMEC favoured a five-year cycle, starting with the strategic objective of social dialogue. As to the third item, it supported the third option, a discussion on effective ILO development cooperation. Having that item on the agenda would contribute to all the Centenary Initiatives, would highlight the ILO's role in the implementation of the 2030 Agenda, and would fulfil a requirement under the 2006 Conference resolution for a review of the ILO's role in development cooperation. The first option, concerning a just transition, would be inappropriate, as there was no need for different labour standards in respect of the environment and the ILO had adopted guidelines on the matter in 2015. The relevant labour standards already existed and needed to be applied. The second option, on unemployment and underemployment, was at the heart of the Future of Work discussion in 2019 with the report of the High-Level Global Commission on the Future of Work and therefore all research undertaken by the ILO should contribute to that report. She supported the continuation and implementation of the strategic and coherent approach to the setting of the Conference agenda for the 107th and 108th Sessions of the Conference, and retaining flexibility on the agenda of the centenary session. The group would not go beyond consideration of the 2019 agenda at the current session. Referring to the subject of

“Independence and protection in public service (fight against corruption)”, she said that it was premature for the Governing Body to ask sectoral advisory bodies to take into account the inclusion of a Meeting of Experts in the proposals for 2018–19 as there was no need for the Governing Body to signal its preference on one of the four possible future subjects requiring further work. At the 108th Session – the ILO centenary in 2019 – the report of the High-Level Global Commission on the Future of Work should be discussed in the plenary sitting, and the possible eventual Centenary Declaration, to be based on the Commission’s report, should be covered by one technical committee. She supported the revised draft decision.

21. *A Government representative of India* said that it was imperative for humanity that the issues of poverty and gender discrimination should be adequately addressed. Violence and harassment against women and men in the world of work was an important area for standard setting in 2018. With respect to the proposed standard-setting item on a just transition, she believed that deliberations on two standard-setting items in 2018 might fail to do justice to either. The Green Initiative should not be driven by standards, but by collective and differentiated responsibilities and mutual cooperation. The five-year cycle for the recurrent discussion should begin with the strategic objective of social dialogue. As to paragraph 10(a)(ii) of GB.328/INS/3(Add.), she supported the third option, on effective ILO development cooperation, as the alleviation of poverty was a priority for India and that discussion should not be delayed. India’s choice for inclusion was for the second option, on structural unemployment and underemployment, considering that employment was being heavily affected by massive automation in manufacturing and service sectors, and would like it to be discussed not beyond 2019. She supported the inclusion of “Inequalities and the world of work” as an agenda item at the 108th Session (2019), stressing that it should have a gender perspective. She supported the procedural roadmap in paragraph 40 of document GB.328/INS/3.
22. *A Government representative of the Republic of Korea* supported the continuation of the strategic and coherent approach even after 2019 in order for the ILO to better respond to demand from a rapidly changing world of work. He supported the third option under paragraph 10(a)(ii) of GB.328/INS/3(Add.), on effective ILO development cooperation, as an agenda item at the 107th Session of the Conference (2018). He expressed the hope that, in the light of the recent amendment to the ILO Constitution making the abrogation of outdated Conventions possible, steps would be taken at that session to make international labour standards clear, robust and up to date. He supported making “the relationship between employment and social protection” an agenda item after 2019. Discussions could be held on how the tripartite constituents in each member State should respond by enhancing social protection to changes in the employment relationship prompted by the fourth industrial revolution.
23. *A Government representative of Brazil* said that he did not support having more than one standard-setting item on the agenda of the 107th Session of the Conference in 2018, as to do so would not allow enough time for adequate preparation and important consultations with the social partners, notably on the basis of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Bearing in mind that there was already a standard-setting item on violence against men and women in the world of work on the agenda of the 107th Session of the Conference in 2018, he supported the second option under paragraph 10(a)(ii), concerning the changing nature of unemployment and underemployment.
24. *The Worker spokesperson* said that he understood that there was not a sufficient majority to take a decision on the proposal concerning a just transition. It should, however, be a priority for the ILO, as it was the only organization that could drive a shift towards environmental sustainability in the world of work, which would also lead to social and economic

sustainability. Provided that the proposed standard-setting item remained under discussion for the agenda of future sessions of the Conference, the group supported the third proposed item for inclusion on the agenda of the 107th Session of the Conference in 2018 – a general discussion on effective ILO development cooperation in support of the SDGs.

Decision

25. Based on its decision concerning the new cycle of recurrent discussions taken in the framework of the follow-up to the resolution on Advancing Social Justice through Decent Work (proposal relating to the modalities of recurrent discussions), the Governing Body:

- (1) decided to place an item concerning a recurrent discussion on the agenda of the future sessions of the Conference corresponding to the new cycle of recurrent discussions as follows:**
 - (i) a recurrent discussion on social dialogue and tripartism on the agenda of the 107th Session (2018);**
 - (ii) a recurrent discussion on social protection (social security) on the agenda of the 109th Session (2020);**
 - (iii) a recurrent discussion on employment on the agenda of the 110th Session (2021);**
 - (iv) a recurrent discussion on social protection (labour protection) on the agenda of the 111th Session (2022);**
 - (v) a recurrent discussion on fundamental principles and rights at work on the agenda of the 112th Session (2023);**
- (2) completed the agenda of the 107th Session of the Conference (2018) by placing an item concerning effective ILO development cooperation in support of the SDGs with a view to a general discussion, in addition to the standard-setting item on “Violence and harassment against women and men in the world of work” and a recurrent discussion on social dialogue and tripartism;**
- (3) placed on the agenda of the 107th Session of the Conference (2018) an item on the abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and the withdrawal of Recommendations Nos 7, 61 and 62;**
- (4) provided guidance on:**
 - (a) the implementation of the strategic and coherent approach to the setting of the Conference agenda for the 107th (2018) and 108th (2019) Sessions of the Conference, and its continuation beyond;**
 - (b) future steps to take in relation to the proposals concerning a just transition of the world of work towards environmentally sustainable economies and societies for all (standard setting) and structural unemployment and underemployment (general discussion).**

(GB.328/INS/3(Add.), paragraph 10, as amended in light of the discussion in the Governing Body.)

Fourth item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

(Consideration of this item was postponed to the 329th Session (March 2017)).

Fifth item on the agenda

Matters arising out of the work of the 105th Session of the International Labour Conference

Follow-up to the resolution concerning decent work in global supply chains (general discussion)

([GB.328/INS/5/1](#) and [GB.328/INS/5/1\(Add.\)](#))

26. *The Employer spokesperson* said that it was imperative to develop a programme of action that maintained and reinforced the consensus reached at the intensive and sometimes contentious discussion at the June 2016 session of the Conference. The Office should use a definition of global supply chains consistent with the UN Guiding Principles on Business and Human Rights, particularly the “leverage” of buyer firms rather than their “control” of the supplier. He requested the Office to provide, by March 2017 if not sooner, a supplemental appendix to the 2017–21 activity matrix giving an overview of ILO activities on global supply chains to provide a baseline for determining the results of implementation of the programme of action. The development of that baseline must not, however, delay implementation. The Organization’s goal in its action should be to improve compliance and working conditions across the entire economy, not just in exporter enterprises.
27. As to the development of an agreed list of key indicators on supply chains, that was not part of the Conference conclusions and thus deviated from the consensus. The issue of decent work indicators in general was contentious and had never been approved by the Governing Body. There was also a discrepancy between one part of the document stating that the indicators would be developed in coordination with the constituents and adopted by the Governing Body, and another stating that they would be developed with all relevant organizations and forums. Any such effort must be undertaken with and agreed by the constituents. Research and data on cross-border supply chains should be assessed relative to domestic supply chains in the same country, as the national context would be highly relevant in identifying the best approach to address challenges. The proposed exploration of scaling up of the Helpdesk for Business did not adequately address the important call to strengthen the Office’s capacity in providing information to support companies in their risk due diligence; a much more comprehensive response was necessary. The programme of action should consider capacity building to comprise comprehensive institutional capacity building, not just training.

28. With regard to partnerships, the Vision Zero Fund was one key initiative concerning supply chains not mentioned in the document, and would be important in the work of the G20 in 2017. As to the creation of an advocacy and communications strategy, there was no express provision for such a programme in the Conference conclusions; constituents must be fully involved if policy messages were formulated based on new evidence and research.
29. The technical tripartite meeting should not be held until concrete, verifiable facts and an assessment on decent work in global supply chains were available, but should take place before the final assessment in 2022. The Office should accelerate research and other activities across the Organization and provide a midterm report in 2019, with a tripartite Meeting of Experts to be held the same year. It should start to implement the programme of action immediately in a highly visible manner. It should also organize a tripartite Meeting of Experts in 2017 to identify possible action to promote decent work and protection of fundamental principles and rights at work for workers in export processing zones (EPZs). Furthermore, the Meeting of Experts on cross-border social dialogue called for under the 2013 Conference conclusions on social dialogue should be held in 2018 and should address global supply chain issues, including human rights due diligence. The Employers' group remained fully committed to supporting the ILO in strengthening decent work in cross-border supply chains as a means of improving compliance across entire economies. It sought to adopt a strong programme of action which incorporated its suggested changes and established the ILO as a centre of excellence and leader in global supply chains.
30. *An Employer member from the United Kingdom* emphasized that the needs of workers in global supply chains were not fundamentally different to those in other businesses, and such chains had not created a regulatory gap. Any future ILO standard on supply chains and decent work would not address the cause of the problem, as existing ILO standards were viewed as not relevant enough to be ratified or, if ratified, were ineffectively implemented by some national governments. He urged the ILO to recognize that there was no need for the Organization to deviate from its primary objective of promoting decent work for all rather than focusing on global supply chains.
31. The UK Employers did not support the draft decision. Creating a new resource and knowledge facility and developing key indicators would risk duplicating existing work. They did not see the value in the ILO becoming a repository for international framework agreements as that would not improve ratification and implementation of existing standards, and could strengthen the view that the Organization catered solely to the trade unions. They also did not see the value of convening a tripartite meeting or a Meeting of Experts at the current juncture. Instead, there should be far greater investment in the SRM, which should review the current standards with due regard to the June 2016 Conference conclusions concerning global supply chains to identify common themes with a view to improving a large number of existing standards. The UK Employers did not want a new standard on global supply chains, as it would be ineffective and would not adequately protect workers from human rights abuses. They therefore urged the Office to intensify its efforts to make existing ILO standards relevant to the modern workplace so as to increase ratification and improve implementation, as part of a comprehensive labour standards approach with full tripartite support, and to produce a level playing field for business. They would like to see a clear objective, a time frame and detailed incremental steps in the proposed programme of action, and information on how the Office would come together to complete it.
32. *The Worker spokesperson* said that the Conference Committee on Decent Work in Global Supply Chains had produced ambitious conclusions with proposals for the ILO and its constituents to assess and address failures at all levels that had adverse impacts on human and labour rights and led to decent work deficits in global supply chains. The Office's proposed programme of action was comprehensive and reflected the conclusions in general, but could be more concrete and ambitious in some areas. The Workers supported the

five-year programme of implementation, which should be reflected in the ILO's next strategic plan. The programme should also be linked to the SDGs.

33. The introduction to the document presented a balanced picture. The Workers did not object to the Employers' proposal to align the definition of global supply chains with that used in the UN Guiding Principles. They welcomed the five areas of action identified. Under knowledge generation and dissemination, additional research should be policy-oriented and focus on mapping decent work deficits in global supply chains; further research on EPZs was also urgently required. The use of indicators in assessing decent work in global supply chains could be a key development in the ILO's work and provide greater visibility. However, as the Employers had raised fundamental questions, the Workers sought clarification on the Office proposals and other possible means of measuring progress. They concurred that any indicators should be developed in close cooperation with the ILO constituents. As to action area 2, capacity building for constituents was critical to the success of the programme and should be individual, bipartite and tripartite and include promotion of social dialogue at the national, sectoral, regional and cross-border levels for all workers, including migrant workers, homeworkers and workers in non-standard forms of employment. Furthermore, it should be targeted to address national or sectoral challenges and specifically address workers in EPZs. The Workers agreed that the International Training Centre of the ILO in Turin should play an important role in capacity building, alongside the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP). As to action area 3, the focused advocacy approach and communication strategy should be centred on enabling rights and international labour standards, and developed in close cooperation with constituents. It was imperative that the Office should promote ratification and implementation of relevant international labour standards as there was a low level of ratification of core Conventions on freedom of association and collective bargaining in the Asia and the Pacific region, where global supply chains were very active.
34. Cross-border labour relations, including international framework agreements between social partners, were key to improving decent work in global supply chains, and the ILO should collect data and undertake analyses on them; the revision of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) could be a useful reference for such agreements. Developing a procedure for fostering company–union dialogue could provide a useful platform for social dialogue including mutually agreed mediation, arbitration and other forms of dispute resolution. The Workers did not, however, see a role for the ILO in developing international framework agreements. In the light of the urgent situation with regard to decent work deficits in EPZs, the Workers strongly supported a coordinated action plan and would like to see it expressed more concretely in the programme of action, and fully endorsed the proposal to hold a Meeting of Experts in 2017. Concerning policy advice and technical assistance, the Workers supported the Office's role, including in providing technical assistance and to strengthen labour inspection institutions for promoting compliance across global supply chains, and the proposed review of its existing development cooperation programmes in global supply chains and creation of new programmes in selected sectors. Regarding partnerships and policy coherence, the ILO should be leading the work on global supply chains and ensure policy coherence within the United Nations (UN) system and as part of the G7, the G20, the BRICS (Brazil, Russian Federation, India, China, South Africa) meetings and the Vision Zero Fund. It should place greater focus on standards and enforcement of enabling rights in global supply chains when interacting with other agencies. The Workers therefore supported the call for an interagency Meeting of Experts, and collaboration with the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD), focusing on new interregional and global trade, investment and services agreements. Policy coherence should also be promoted with the World Bank and regional development banks. Furthermore, the ILO should use Decent Work Country Programmes

(DWCPs) to provide policy support and technical advice on global supply chains to national tripartite constituents. The Workers welcomed the monitoring and review of the programme of action with the participation of the constituents and emphasized that the MNE review process must take into account the Conference conclusions, as stated in the conclusions themselves.

35. The Workers did not object to the Employers' proposed additional appendix providing a baseline and agreed that the activity matrix should be amended to reflect the proposals made during the present discussion. The activities under point 1 of the matrix should include reform of national legislation in line with Conventions, including relevant sectoral standards, and migration Conventions, and overall effective enforcement. On point 2, the ILO should play a more substantial role in labour inspection, providing guidance to countries and assistance where labour inspectorates had been unable to enforce the law. It should examine whether schemes like the Bangladesh Accord could be reproduced nationally with ILO support. Operational-level grievance mechanisms in accordance with the UN Guiding Principles could be considered. On point 2.4, further clarification on "new compliance models" was needed. On point 3, the Workers saw a role for the ILO in the implementation and mediation of international framework agreements upon request, but not in their negotiation. On point 4, development cooperation programmes should primarily focus on promoting the right to freedom of association and the right to collective bargaining as existing programmes did this insufficiently. It would be interesting to understand whether existing public-private partnerships had successfully addressed decent work in global supply chains. On point 5, the ILO should develop the meaning of human rights due diligence and should promote the concept, including by embedding it in the updated MNE Declaration. Due diligence was also important to the work under point 6. On point 7, the ILO should advise governments on integrating EPZs into the normal national labour law and oversight schemes; the EPZ programme should focus on enabling workers' rights. On point 9, research should include assessing accountability mechanisms and how sourcing practices contribute to downstream violations. Overall, the programme of action should focus more on the drivers of labour violations, including sourcing practices, and enforcement at the top of supply chains. It should also include promotion of supply chain transparency and of labour standards in procurement, and should address human trafficking for forced labour.
36. The Workers supported the convening of a meeting, as soon as possible. Given the complex nature of the topic, it should be a Meeting of Experts and should produce conclusions concerning the three elements in paragraph 25 of the Conference conclusions. They agreed with the Employers that the Office should draw up an ambitious schedule of meetings to feed into its action plan, beginning with a tripartite Meeting of Experts in 2017 to identify action to promote decent work and protection of fundamental principles and rights at work in EPZs; that the Meeting of Experts on cross-border social dialogue including due diligence should be scheduled for 2018; that the Office should accelerate research and other activities and provide a midterm report in 2019; and that a further tripartite Meeting of Experts addressing paragraph 25 of the Conference conclusions should be held in 2019. Those activities would begin to establish the ILO as a centre of excellence on global supply chains. The work on global supply chains should also be included in the Future of Work Initiative. In response to the Employer member from the United Kingdom, the Worker spokesperson said that global supply chains were being discussed precisely because their cross-border nature and extra-territorial effects were very often not addressed by national legislation or ILO standards. The 2019 Meeting of Experts would provide the ILO with a substantive and highly relevant set of activities, which in the Workers' view should include standards. The Workers' group supported the draft decision.
37. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Panama said that, although global supply chains did generate substantial economic opportunities, they also led to decent work deficits. In order to protect

the most vulnerable workers and further the transition from the informal to the formal economy, it was essential that standard-setting instruments safeguarding fundamental labour rights and combating child labour and forced labour were ratified and effectively implemented. The ILO could become a repository for international framework agreements, but monitoring compliance therewith required States' express consent. Since addressing decent work deficits was a matter of urgency, the technical tripartite meeting or Meeting of Experts should be convened in the 2018–19 biennium.

38. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the Organization should try to balance the drivers of global supply chains in order to guarantee decent work without frustrating employment creation. Her group approved of the five action areas. Generating and disseminating knowledge had to be given priority, along with capacity building in the mining, energy, telecommunications, trade in services and oil and gas sectors, as well as in EPZs. The dates for the proposed tripartite and experts' meetings should be set by March 2017; a Meeting of Experts to review the action plans should be convened in 2018. Her group supported the draft decision.
39. *Speaking on behalf of the group of IMEC*, a Government representative of the Netherlands asked the Office to develop a roadmap with more specificity, timelines and prioritization including which new activities would be undertaken under the proposed programme, what resources would be needed for it and what results could be expected from it by what dates. Priority should go to knowledge generation and capacity building. The wealth of available material on decent work deficits and governance gaps in supply chains should be tapped in order to complete the assessment thereof by 2017. Work to strengthen cross-border social dialogue should include leading firms and multinational enterprises (MNEs). The most suitable time to hold the tripartite technical meeting or Meeting of Experts would be early in 2018. The Office should implement the programme of action immediately and inform the Governing Body on a regular basis about the progress.
40. *Speaking on behalf of the BRICS countries*, a Government representative of India said that much research was indeed required in order to understand the challenges posed by decent work in global supply chains. Key indicators should, however, be adopted by countries through a national consultation process. His group was in favour of the ILO becoming a repository of international framework agreements, but it should monitor them only with States' express consent. Clearly the dispute settlement mechanisms referred to in paragraph 38 should not produce results conflicting with those of other forums, primarily the WTO. The proposed partnerships to achieve policy coherence were welcome. Since any global intervention to advance decent work in global supply chains could have an impact on local labour markets, the ILO should help countries to strengthen laws and policies that guaranteed workers' rights without jeopardizing national sovereignty. The BRICS countries supported cross-border tripartite dialogue and cooperation between the ILO and the social partners in order to build capacity permitting wider ratification and implementation of Conventions and Recommendations which were relevant to global supply chains. The group endorsed the proposed programme of action subject to those comments and trusted that by November 2017 the Governing Body would be in a position take a decision whether to hold technical tripartite meeting or a Meeting of Experts.
41. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Bulgaria said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania aligned themselves with the statement and that the group supported IMEC's statement. Knowledge generation and dissemination were important in the short term, especially in sectors which relied heavily on global supply chains and which were most prone to unsatisfactory working conditions. The Group strongly supported the intention to develop an agreed list of indicators in cooperation with the constituents to assess decent work in global supply chains. The ILO clearly had a role to play in facilitating

enterprises' access to information on labour-related issues. The proposed tripartite meeting or Meeting of Experts should be held in early 2018. Advocacy and awareness raising based on a strengthened knowledge base might reduce the negative impact of global supply chains on labour rights. Technical assistance, capacity building for constituents and cross-border social dialogue were important, as was close cooperation with other international organizations which sought to promote decent work in global supply chains. Understanding constituents' needs and capacities was critical. She asked the Office to present a roadmap identifying short-term action in that strategic area of ILO work.

42. *A Government representative of Germany* said that, since global supply chains accounted for 70 per cent of trade and a rapidly increasing number of jobs, it was vital to secure decent working conditions and to agree on how to ensure that the responsibility for safeguarding human rights along the chain was honoured. The programme of action, which provided a sound basis for meeting those challenges by offering guidance to all three constituents, should be launched without delay. The development of key indicators to assess decent work in global supply chains would be a very important tool moving forward. Her Government therefore welcomed the proposal to hold the first of three tripartite meetings in 2017.
43. *A Government representative of Spain* said that it was crucial to involve all stakeholders in the drafting of sustainable agreements and to promote the ratification and implementation of international treaties protecting human rights and labour rights. He therefore welcomed the devising of a programme of action and agreed with the need for measurable short- and medium-term priorities. Substantial progress could be achieved only through dialogue and consensus among all stakeholders. For that reason, his Government favoured the convening of a tripartite technical meeting, or meetings.
44. *A Government representative of the United States* endorsed the very logical framework laid out in the proposed programme of action and asked the Office to provide more information on the new proposed resource and knowledge facility, what specific information the ILO intended to gather from companies, governments and trade unions and what type of indicators it planned to establish in action area 1. He further inquired about the additional capacity building, policy advice and technical assistance were planned in action areas 2 and 4. His Government welcomed the proposal to conduct three distinct meetings from 2017 to 2019, and requested more information on their implications for the budget and for the completion of the so-called "fit for purpose" report.
45. *A Government representative of China* supported the five action areas, subject to four observations. Firstly, the fact that supply chains had positive effects on employment should be reflected in follow-up action. Secondly, more details of the proposed indicators were needed; they should not duplicate those of the 2030 Agenda and should be targeted to ensure the achievement of the expected results. Thirdly, priority should go to enhancing research, policy advice, technical assistance and capacity building. Fourthly, in order to determine whether to convene a technical meeting or a Meeting of Experts, a comprehensive study should be conducted in consultation with as many member States and constituents as possible.
46. *A Government representative of India* said that attention should be focused on fundamental issues such as forced labour and child labour, safety conditions and labour protection, instead of on the artificial debate on global versus domestic markets. At a time when the global markets were undergoing a phenomenal transformation it was essential to ascertain whether ILO international labour standards were up to date and relevant to current and emerging challenges.

47. *A Government representative of France* said that decent work must be the rule for everyone, throughout the world, in and outside of global supply chains. In parallel with other initiatives, such as the Vision Zero Fund, the ILO was the best forum for adopting measures to ensure fair rules at the global level. Of all the action areas, research into global supply chains was the most important, since it was vital to have up-to-date data. For that reason, the Government of France was helping the ILO to fund such research. It was in favour of convening a Meeting of Experts on decent work in global supply chains at which a new standard-setting instrument could possibly be discussed.
48. *A Government representative of Japan* agreed on the need to take urgent action. Since 2014, the Government of Japan had approved three new ILO development cooperation projects to promote partnership between MNEs and their direct suppliers in advancing socially responsible labour practices in Myanmar, Pakistan and Viet Nam. It would continue in its efforts to ensure decent work in global supply chains, in cooperation with the Office.
49. *A Government representative of Argentina* said that a framework for advising constituents and generating the consensus required to make progress at the global level was urgently needed. His Government therefore welcomed the agreement reached by the Employers and the Workers in that respect. It was also essential to strengthen alliances with institutions such as the Common Market of the Southern Cone (MERCOSUR) in order to formulate better coordinated and more coherent policies. Member States often struggled to respond effectively to the dramatic changes which had taken place in the world of work. It was therefore important to understand the new reality and target efforts on ensuring decent work in terms of both productivity and quality. The Goals of the 2030 Agenda could be achieved only through policies which improved the quality of life of millions of workers and their families. The Government of Argentina supported the draft decision.
50. *A representative of the Director-General (Deputy Director-General for Policy (DDG/P))*, said that preserving the consensus reached at the 105th Session of the International Labour Conference had been a goal when devising the programme of action. Another significant goal had been to become much more of a leader in the debate about achieving and strengthening decent work in global supply chains. The Office would provide a supplementary appendix that identified what was new and what was a continuation or modification of work already being carried out; projects such as the Vision Zero Fund would be included. The programme of action would address issues such as informality and conditions of work for women and other vulnerabilities which were more likely to occur upstream in the supply chain.
51. The word “indicators” did not appear in the conclusions; they did however flow quite naturally from paragraph 23, in particular clause (h), of the conclusions. Establishing indicators was a means of identifying what areas should or could be measured and monitored in relation to decent work deficits, and they ultimately provided a way to assess the efficacy of the programme after the five-year period. Data on some key indicators on employment by economic activity or gender and the frequency rates of fatal and non-fatal occupational injuries were already fully available, whereas others would have to be scaled up or gathered.
52. The Office had been asked to conduct research into how working conditions varied in domestic supply chains and in global supply chains. There was already a considerable amount of information on those matters, but the Office would have to do more research to fill in the gaps. The programme of action dealt with decent work in global supply chains because that was what the Conference had asked the Office to do. It did, however, understand that a portion of global supply chains lay within domestic borders. For that reason, strengthening national capacity would help to deal with global supply chains. Focusing on domestic supply chains alone would not address issues that arose as a result of the development and proliferation of global supply chains.

53. As the Helpdesk for Business was the primary vehicle for promoting enterprises' better understanding of the information they needed to improve their due diligence efforts to monitor what was happening in their supply chains, the Helpdesk would be scaled up as much as possible to make country-specific information on laws and regulations readily accessible.
54. Capacity building did not mean only training. The intention behind paragraph 17 was to provide a broad definition of capacity-building efforts, although more work was needed in that area.
55. Focused advocacy stemmed naturally from the call to engage more fully in partnerships with multilateral organizations and other global institutions. Such engagement would be impossible without advocacy and unless the ILO helped its constituents and social partners to engage in advocacy, because a coherent set of messages was needed to drive those partnerships in order to achieve policy coherence around the globe. The ILO would consult its tripartite partners with regard to the nature of its advocacy work.
56. The programme on EPZs should take account of the differences between national legal frameworks and those applying in those zones, and ensure sensitivity to some of the gender dimensions in EPZs.
57. Ratification of standard-setting instruments and social dialogue should indeed be central to the programme of action.
58. Partnership with the G7, the G20 and the BRICS countries to secure policy coherence had already begun and would continue. Care would be taken not to duplicate the work of the other institutions.
59. She confirmed that the Office would be able to start working immediately on both research and capacity building activities, as requested by most of the constituents in their interventions.
60. The draft decision had perhaps been superseded by the discussion and the proposal for three Meetings of Experts in 2017, 2018 and 2019. Some thought was required about what needed to be submitted to the Governing Body to get its guidance on the way forward. Those meetings would also have financial implications that must be urgently addressed.
61. *The Worker spokesperson*, referring to the point made by the BRICS countries on the need for government consent to monitor international framework agreements, said that some existing agreements addressed challenges in global supply chains and their effects at the national level. In that case their monitoring should, indeed, involve national actors. However, since most international framework agreements were bipartite agreements between the social partners at the global level, it was hard to see how governments could be involved. The ILO was there not only to support governments, but also to foster the social partners' autonomous capacity to deal with decent work challenges in cross-border situations.
62. *The Employer spokesperson* said that the task of prioritizing, initiating, measuring and assessing all of the elements of the programme of action was a huge, complicated task. Since the financial implications of the task were also substantial, he called on donor governments to step forward to supplement available ILO funds. It was important that the ILO had the wherewithal to become a leader and centre of excellence for decent work in global supply chains.

63. *Speaking on behalf of the BRICS countries*, a Government representative of India said that her group had merely intended to propose that any ILO monitoring of international framework agreements should take place only at the request of the parties involved; otherwise, the ILO should not become involved and any monitoring should be left to the parties concerned.
64. *The Employer spokesperson* said that the draft decision perfectly reflected the discussion held the previous week and confirmed the fresh impetus driving the follow-up to the resolution concerning decent work in global supply chains. He appreciated the Office's efforts to find enough resources for the 2017 meeting.
65. *The Worker spokesperson* welcomed the organization of the three meetings listed in the draft decision. The meeting in 2019 should focus on paragraph 25, subparagraphs (a)–(c), of the conclusions concerning decent work in global supply chains. His group was pleased that resources would be earmarked for that work and that the programme of action would be implemented promptly, especially in the priority areas. It looked forward to receiving a roadmap for the implementation of the programme of action at the March 2017 session of the Governing Body. His group agreed on the proposed composition and arrangements for the 2017 meeting on workers in EPZs.
66. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran asked how the Office had decided on the formats of meetings, namely tripartite Meetings of Experts. It was premature to examine the draft decision and he therefore proposed that its consideration should be postponed until the forthcoming session of the Governing Body.
67. *Speaking on behalf of the Africa group*, a Government representative of Kenya expressed full support for the draft decision.
68. *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group agreed with some points of the draft decision but, as it had not seen the text until the previous day, it would prefer to defer the draft decision to the March 2017 Governing Body.
69. *Speaking on behalf of IMEC*, a Government representative of the Netherlands noted with satisfaction that the draft decision would enable the Office immediately to address the concerns expressed at the 105th Session of the International Labour Conference that current ILO standards might not be fit for purpose to achieve decent work in global supply chains. The midterm report should take due account of the meetings in 2017 and 2018. While his group agreed with the composition of the proposed 2017 meeting, the formats of the 2018 and 2019 meetings should be reviewed and take place after the discussion of formats and standing orders for meetings that would be held in March 2017. They were looking forward to receiving a roadmap for the programme of action at the March 2017 session of the Governing Body. He supported the draft decision.
70. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that it was necessary to maintain the momentum for implementing the programme of action. Her group supported the draft decision, subject to due consideration being given to IMEC's comments.
71. *A Government representative of India* said that the draft decision was premature as the meetings in question would need thorough advance preparation by the Office. She asked how the Office had decided on the format of the meetings. It would be preferable to hold tripartite meetings, which would enable broader participation than Meetings of Experts. She also asked the Office to explain how the order of the topics to be discussed had been determined. Lastly, she would appreciate details on the Office's plans to assess whether current ILO standards were fit for purpose.

72. *A Government representative of Brazil* applauded the agreement reached between the Workers' and Employers' groups. It would be advisable to determine the format of the tripartite Meetings of Experts after the standing orders of tripartite technical meetings had been examined at the March 2017 session of the Governing Body. He hoped that the meetings would be public and that government representatives wishing to participate could do so, if only as observers, since governments would also have a central role to play in any action to guarantee decent work in global supply chains and implement the fundamental principles and rights at work.
73. *The representative of the Director-General (DDG/P)* said that the Office had synthesized the Employers' and Workers' statements at the previous week's debate in order to formulate the revised draft decision. Details of the costs of the 2017 meeting had been inserted. That draft decision had been submitted to the regional coordinators for their consideration early in the week. The 2019 meeting had been designed to address the issues raised in paragraph 25 of the aforementioned conclusions. The 2017 and 2018 Meetings of Experts would deal with specific aspects of decent work and global supply chains in order to build the knowledge base for a fuller discussion in 2019.
74. The original 2018 meeting had been scheduled to give the Office enough time to prepare for a single meeting covering all issues raised in paragraph 25. Since, however, the Organization had already done a substantial amount of groundwork on decent work in EPZs and cross-border dialogue, it would be ready to hold a meeting on those subjects in 2017 and 2018 respectively and would have another year to prepare for the 2019 meeting. The review in March 2017 of the standing orders for tripartite Meetings of Experts was not therefore an obstacle to the adoption of the revised draft decision.
75. *The Chairperson* suggested that "tripartite" and "of Experts" should be deleted from subparagraphs (v) and (vi) of the draft decision to accommodate the concerns of certain Government members. Thus, the arrangements for the 2017 meeting would remain unchanged to enable the Office to embark on its substantive work, while decisions on the formats of the 2018 and 2019 meetings could be determined at the March 2017 session of the Governing Body.
76. *Speaking on behalf of GRULAC*, a Government representative of Panama said he supported the amendment to the draft decision.
77. *The Employer spokesperson*, seconded by the Worker spokesperson, proposed inserting in brackets at the conclusion of draft decision subparagraphs (v) and (vi): "format to be determined".
78. *A Government representative of India* said that she supported the draft decision for the sake of consensus.
79. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said he expected that all meetings would be tripartite in nature. He supported the draft decision as amended by the Employers' and Workers' groups.
80. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria expressed her group's support for the amended draft decision.
81. *Speaking on behalf of the Africa group*, a Government representative of Kenya supported the draft decision, as amended.

82. *A Government representative of Brazil said that he would support the amendment for the sake of compromise. The decision on the composition and arrangements of the 2017 meeting should not, however, have a bearing on the decisions of the forthcoming meeting of the Governing Body regarding the standing orders for meetings. He underlined the importance of broad government participation at those meetings.*

Decision

83. The Governing Body:

(a) requested the Office to:

- (i) revise and modify the programme of action taking into account the comments made by the Governing Body;***
 - (ii) provide a roadmap for the programme of action with more concrete and prioritized areas of action for discussion at the 329th Session (March 2017) of the Governing Body;***
 - (iii) start implementing the programme of action immediately after the 328th Session of the Governing Body (November 2016) with a focus on areas already identified as priorities, including (but not limited to) research, the development of the knowledge base and capacity building of the constituents, and to do so in a visible manner;***
 - (iv) organize in 2017 a tripartite Meeting of Experts to identify possible action to promote decent work and protection of fundamental principles and rights at work for workers in export processing zones (EPZs);***
 - (v) organize in 2018 a meeting on cross-border social dialogue, as called for in the 2013 International Labour Conference conclusions on the recurrent discussion on social dialogue, to address decent work in global supply chain issues, including human rights due diligence (format to be determined);***
 - (vi) organize in 2019 a meeting following a midterm report by the Office pursuant to paragraph 25 of the 2016 International Labour Conference conclusions concerning decent work in global supply chains (format to be determined);***
- (b) approved the composition and arrangements for a tripartite Meeting of Experts to identify possible action to promote decent work and protection of fundamental principles and rights at work for workers in EPZs set out in document GB.328/INS/5/1(Add.).***

(GB.328/INS/5/1(Add.), paragraph 7, as amended.)

Follow-up to the resolution on Advancing Social Justice through Decent Work: Proposals relating to the modalities of recurrent discussions (GB.328/INS/5/2)

84. *The Employer spokesperson* said that while the four-year cycle proposed under option 2 would have better responded to the constituents' needs and been better aligned with the two-year programme and budget cycle and the four-year strategic plan, the commemoration of the ILO centenary in 2019 and the need to give adequate attention to social security and labour protection would have made that shorter cycle challenging. His group therefore preferred option 1(b), a five-year cycle starting with the strategic objective of employment, which would be a sensible choice in view of the discussion on SDG 8 scheduled for the UN HLPF on Sustainable Development in 2019 and would enable the ILO to prepare its input on a tripartite basis. It would be interesting to incorporate the proposed agenda item for the 107th Session of the Conference (2018) on the changing nature of unemployment and underemployment into the recurrent discussion on employment at the beginning of the new cycle in 2018, although he did not agree with the exact wording of the proposed item.
85. For the preparation of the recurrent discussion report, he reiterated that any addendum should not pre-empt the Conference discussions. The session involving external experts as part of the Social Justice Declaration evaluation had been a successful experience. The permanent involvement of such experts in recurrent discussions should be considered on a case-by-case basis, taking into account the relevance of their input to the subject at hand. He emphasized that the purpose of recurrent discussions was to better understand Members' needs and determine how the ILO could more efficiently address them. It was necessary to adopt modalities for the recurrent discussions that did not unduly compromise the original purpose of the General Surveys. Ways to adopt such modalities could be determined through individual consultations with the parties.
86. *The Worker spokesperson* said that the ILO should contribute to the SDGs by providing a robust review of its core themes, as established through the four pillars and cross-cutting issues of the Decent Work Agenda, keeping in mind the policy coherence provisions of the Social Justice Declaration. He supported option 1(a), which proposed a five-year cycle starting with a recurrent discussion on social dialogue, which would be both appropriate, ahead of the possible adoption of a Centenary Declaration, and timely, as the current action plan on social dialogue would finish in 2017. The envisaged five-year cycle would also make it possible to keep discussions on labour protection and on social security separate. While the recurrent discussion on employment was important, two had already been held in the first cycle. It was important to re-establish the full synchronization of the General Survey and its debate in the CAS with recurrent discussions in 2020. He supported the proposal to conduct the review of the General Survey one year in advance of the corresponding recurrent discussion to ensure the integration of the standard dimension in that discussion.
87. It would be interesting to keep the format of the questionnaire distributed to Members relating to the Social Justice Declaration evaluation and to collect information ahead of each recurrent discussion. As governments did not want further reporting obligations, one option could be to include a set of standard questions on the general strategic objective at the end of the article 19 questionnaire. While the questionnaires would be dealing with specific standards, it would be useful to create a channel for broader dialogue on the strategic objectives as a whole. While he welcomed the format for the report for recurrent discussions, it would be useful to have more information and a greater emphasis on the standards dimension including on efforts by member States to ratify ILO instruments with a view to achieving greater coverage of each strategic objective.

88. With regard to the proposed addendum report, he did not support the inclusion of preliminary text/building blocks for the outcome document, a matter which should be discussed by the Conference Committee itself, but supported early consultations on the points for discussion. Having questions on the strategic objective at the end of the article 19 questionnaire one year in advance would help shape the points for decision. The interaction with relevant national, regional and international organizations in the preparation of recurrent discussions was strongly supported, but their role should be clearly defined and linked to how they had implemented the Decent Work Agenda in their organizations and in their country advice.
89. He supported high-level exchanges on good practices at country level between social partners and relevant ministries that should also include the findings of voluntary peer reviews. This should be further discussed at the 329th Session of the Governing Body in terms of the sequencing of action and modalities, a topic related to document GB.328/POL/4 on voluntary peer review mechanisms of national employment policies. Regarding the outcome document and its follow-up, the conclusions should include a section on trends and the status of the world of work, with regard to the strategic objective under review. He endorsed the linkages between decisions of the recurrent discussions and the programme and budget. The financing of the activities and meetings decided by the relevant Committee for the Recurrent Discussion should be prioritized.
90. *Speaking on behalf of the Africa group*, a Government representative of Ghana expressed support for option 1, with no preference for either (a) or (b). With regard to the draft decision, his group endorsed the preparation of a framework that differentiated recurring discussions from general discussions, in order to achieve a more targeted result under the Social Justice Declaration.
91. *Speaking on behalf of ASPAG*, a Government representative of China expressed a preference for option 1(a). ASPAG supported the proposed framework in general while highlighting that the ILO should ensure that the preparation of the report for recurrent discussions involved early consultations with the constituents, encourage field offices to contribute to national-based practices and prepare a preliminary draft in advance. The organization of the recurrent discussions should include interactive discussions and be linked to the implementation and review of the SDGs. Outcomes should be focused and not overly ambitious and should take into account the resources available. His group endorsed the draft decision.
92. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom expressed a preference for option 1(a), as it would allow sufficient time for the Conference to assess how changes in the world had affected social dialogue and to discuss related action. That option would also enable the Office to discuss the role of tripartism and social dialogue at the 2019 UN HLPF and would inform discussions concerning the future of work at the 108th Session of the Conference (2019). She supported the development of a flexible format for the report on recurrent discussions. Although she was not in favour of creating a compulsory peer review system on the implementation of the Social Justice Declaration, she saw the potential added value of additional Office research into innovative and replicable approaches.
93. With regard to the proposal for the preparation of an addendum report based on informal consultations with constituents following the publication of the Conference report, she asked whether those consultations would take place after, rather than before, the Conference report had been drafted, why the proposed points for discussion would not be included in the Conference report and what additional information the addendum report would contain. She also wished to know the time frame for the new process. She endorsed the proposed high-level exchanges with representatives from relevant regional and international organizations and would like to see Members or government entities included in such exchanges, where

relevant. Although the exchanges could provide constituents with an understanding of the results of the ILO's activities in respect of the strategic objectives, their stated purpose, namely, to enable the ILO to take a lead role in the implementation of decent work-related SDGs, was too narrow – it should be broad as it informed programme, budget and other governance decisions. Her group endorsed the establishment of the modality to ensure consistency between the CAS and the two components of the Standards Initiative and supported the draft decision.

94. *A Government representative of India* expressed support for option 1(a). In recent years, new stakeholders had increasingly been participating in the policy process of the ILO. Since the role and influence of the social partners and their interactions with governments must be understood against that background, it would be appropriate to start the cycle with the strategic objective of social dialogue. She also supported the proposal to focus on social security in the recurrent discussion in 2020. More must be done to increase the proportion of the population receiving adequate social security. It was important that interactive discussions and high-level exchanges with stakeholders other than the tripartite constituents did not detract from the tripartite nature of the ILO decision-making process. She endorsed the draft decision.
95. *A Government representative of Brazil* said that the five-year cycle was better aligned with the 2030 Agenda than the four-year cycle. The ILO should contribute to the further integration of national commitments with regard to the 2030 Agenda. His Government supported option 1(b), as one of the parameters to be taken into consideration was the ILO's contribution to the follow-up and review by the UN of the implementation of the 2030 Agenda. The cycle could start in 2018, allowing for an evaluation that would coincide with the schedule for the revision of the 2030 Agenda and for multiple discussions on social protection, labour protection and social security. The strategic objective of employment should be prioritized for discussion by the Conference as it appeared to require treatment more urgently.
96. *A Government representative of China* expressed support for option 1(a) and invited the ILO to strengthen its work in respect of social security and labour protection. Opting for a four-year cycle would have meant that discussions on those topics would have been held every eight to ten years, during which time the world of work would have undergone tremendous changes while constituents would not have had the opportunity to make proposals and provide guidance on the Office's work. Given that the most recent recurrent discussion on employment had been held in 2014 while the last one on social dialogue had been held in 2012, the cycle should start with a discussion on social dialogue. While the establishment of a working group to draft the report for recurrent discussions and the preparation of an addendum report would be welcome, the Office should place greater emphasis on summarizing the work in the areas concerned. It should also take into account the constituents' requirements when drafting the report on recurrent discussions and avoid duplication with regard to the flagship reports on wages and social protection.
97. *A Government representative of the United States* supported the Employers' proposal to incorporate the proposed Conference agenda item on the changing nature of unemployment and underemployment into the recurrent discussion on employment, as the relationship between technology and unemployment and underemployment was ever-changing and not easy to understand.
98. *A Government representative of Colombia* said that he shared the Office's view that a two-year cycle would be too short and expressed a preference for option 1(b). He supported the draft decision.

99. *A representative of the Director-General (Deputy Director-General, Management and Reform (DDG/MR)) pointed out that the document stated that an addendum report would be prepared “where appropriate”, as in many cases it would be unnecessary. Reference to an addendum report had been included in the paper in light of the Office’s previous experience in preparing for the Social Justice Declaration evaluation. It had been very useful to accommodate some of the key issues that had emerged from further informal consultations after the Conference report had been finalized. The informal consultations after the drafting of the Conference report would not be held at the expense of the pre-drafting consultations, but rather were intended to supplement them. In most cases, the proposed points for discussion would be included in the Conference report. An addendum report would contain updated information obtained in the six-to-eight-month period between the drafting of the report and the Conference, during which many developments could take place.*
100. *The Employer spokesperson said that his group would return to the issue of voluntary peer reviews in the future. He endorsed the IMEC statement pertaining to the scope of purpose of the high-level exchanges and expressed support for option 1(a).*
101. *The Worker spokesperson said that his group concurred that the scope of the high-level exchanges should be broader than the contribution to the SDGs.*

Decision

102. The Governing Body:

- (a) adopted a five-year cycle for recurrent discussions at the International Labour Conference, with the following sequence:*
- (i) social dialogue and tripartism in 2018;*
 - (ii) social protection (social security) in 2020;*
 - (iii) employment in 2021;*
 - (iv) social protection (labour protection) in 2022;*
 - (v) fundamental principles and rights at work in 2023;*
- (b) provided guidance on the framework for recurrent discussions;*
- (c) requested the Office to prepare, in light of the discussion at its 328th Session (November 2016), a revised framework for deliberation and adoption at its 331st Session (November 2017), and to commence its preparation of the recurrent discussion on social dialogue and tripartism selected for the 107th Session of the International Labour Conference (2018) in the light of the framework.*

(GB.328/INS/5/2, paragraph 32, as amended by the Governing Body.)

Sixth item on the agenda

The Standards Initiative

Review of the decision adopted by the Governing Body in March 2015 (GB.328/INS/6)

103. *The Employer spokesperson* said that the Standards Initiative had proved to be useful. It had marked the launch of the process of strengthening the ILO supervisory system. Over the previous two years, the CAS had worked efficiently, adopting a negotiated list of 24 cases and conclusions. The Initiative had meant that the reports of the CAS reflected the divergent views of the constituents, the mandate of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) was clarified, including the non-binding nature of its opinions and recommendations, the Committee on Freedom of Association (CFA) had launched a process to improve its working methods and the SRM was in place. His group supported the draft decision.
104. *The Worker spokesperson* said that his group noted that in the framework of the Standards Initiative, considerable progress had been made, including the successful completion by the CAS of its work in 2015 and 2016 and the ongoing examination of its working methods, the clarification of the CEACR's mandate, the successful outcome of the second meeting of the SRM TWG and the examination by the CFA of its methods of work. He noted the ongoing discussions on the joint report of the two Chairpersons of the CEACR and the CFA with regard to the supervisory system. He supported the draft decision.
105. *Speaking on behalf of the Africa group*, a Government representative of Kenya noted that the CAS had been able in 2015 to successfully complete its work arising from recommendations made with regard to the list of cases, the adoption of conclusions and the functioning of the Committee, and that the same modalities had been used in 2016. Her group welcomed the concrete recommendations made by the SRM TWG. She expressed regret that only a time frame and consultation process had been proposed by the Office relating to the formulation and consideration of proposals to follow up on the joint report of the Chairpersons of the CEACR and the CFA. She supported the draft decision.
106. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria indicated that Turkey, Montenegro, Serbia and Albania aligned themselves with the statement. The decision adopted by the Governing Body in March 2015 had been a turning point to ensure the proper functioning of the supervisory system, launch the SRM and renew tripartite engagement following the crisis that had struck the CAS in 2012. The ILO supervisory system contributed to the promotion of universal human rights. As some EU policies and instruments made references to the promotion of international labour standards and to the results of the work of the supervisory bodies, the conclusions of the CAS were important for assessing compliance with those standards. It was hoped that work to further improve the functioning of the Committee would continue based on the methods adopted since the 2015 Governing Body decision. The approach taken to the unfinished follow-up of the Working Party on Policy regarding the Revision of Standards (the Cartier Working Party) had encouraged the Office and the member States to truly engage in the SRM, assisted the SRM TWG in making recommendations on outdated instruments and allowed regulatory gaps to be identified. The SRM TWG was well-equipped to fulfil its mandate. Its work was of particular relevance for the EU and its Member States. The discussion held at the March 2016 session of the Governing Body on the joint report of the Chairpersons of the CEACR and the CFA had been extremely significant. At that time, the

EU and its Member States had expressed their commitment to further improve the supervisory procedures within the framework of the Standards Initiative. The EU had emphasized the importance of transparency and the efficient use of time and indicated that it paid particular heed to suggestions concerning the improvement of coordination between supervisory bodies, the transparency and coherence of procedures for responding to the seriousness of cases, national dispute settlement mechanisms, the treatment of urgent and serious cases and, also, the obligations of ratifying and non-ratifying Member States. The speaker expressed the hope that further consultations on issues related to the report and possible recommendations would be held in the run-up to the following Governing Body session. Tripartite participation in the Standards Initiative was crucial to its success. She supported the draft decision.

- 107.** *Speaking on behalf of IMEC*, a Government representative of the United States said that the Office was to be commended for its work on the SRM TWG, the effective functioning of the CAS and the joint report of the Chairpersons of the CEACR and the CFA. The social partners had made a valuable contribution to the smooth functioning of the CAS, which had fully discharged its duties at each of its past two sessions and had improved its performance with regard to time management. It was vital that the Workers and Employers should continue to cooperate within the CAS, in order to achieve consensus conclusions in every case. IMEC looked forward to continuing to contribute to the work of the SRM, to the review of its functioning at the 329th Session of the Governing Body in March 2017 and to the full and inclusive consultations that would be held in early 2017 on the joint report of the Chairpersons of the CEACR and the CFA. IMEC supported the draft decision.

Decision

- 108.** *Having regard to the information contained in document GB.328/INS/6, the Governing Body decided to continue its consideration of the Standards Initiative and undertake a further overall review of its implementation at its 332nd Session (March 2018).*

(GB.328/INS/6, paragraph 16.)

Seventh item on the agenda

Decent work for sustainable development ([GB.328/INS/7](#))

- 109.** *The Employer spokesperson* regretted the vagueness of the document which provided no substantive information on the ILO Implementation Plan for the 2030 Agenda, on capacity building for constituents or on how DWCPs would be improved in order to further the national process of achieving the SDGs. An explanation of what practical value the implementation of the Development Cooperation Strategy might have in relation to the SDGs would also have been helpful. His group was concerned about the possible negative impact of the Global Deal on Enhanced Social Dialogue for Decent Work and Inclusive Growth on ILO instruments and the MNE Declaration. Constituents should be involved in the review process of the HLPF. Guidance with regard to the ILO's contribution to that process should be offered at the Governing Body's sessions in 2017, 2018 and 2019. However, his group was not convinced that a high-level discussion could add value for that purpose and therefore agreed with the amendment introduced by IMEC to subparagraph (b) of the draft decision. It was also crucial to ensure that the 13 indicators for monitoring progress towards decent work were relevant and agreed between all stakeholders. His group supported the Director-General's proposal to using only ILO sources for indicator 8.8.2 on

the protection of labour rights, but insisted for these textual sources to be always based on tripartite consensus. His group objected to sources such as the Penn State University method based on the coding of violations since trade union membership and collective bargaining coverage gave a misleading picture of freedom of association, as did information based on the number of complaints.

110. *The Worker spokesperson* said that, as the potential custodian of 13 SDG indicators, the ILO could make a vital contribution to measuring progress towards the implementation of the 2030 Agenda. In fact, close cooperation was needed among constituents and between the ILO and other UN agencies in order to map out a coherent development strategy. The ILO had a great opportunity to mainstream its values into the UN system. Sustainable development was possible only when people had a say in their own destiny. In the world of work, that ownership meant that workers had to be able to express their interests, organize and bargain collectively. Together with standards, involving social partners in the realization of the 2030 Agenda was the added value that the ILO could bring. For that reason, the ILO must ensure that workers' and employers' organizations took part in national SDG implementation processes and that ACTRAV was provided with sufficient resources to build trade union capacity for such participation. Development required not only economic growth, but also a fair labour market with comprehensive social protection and respect for labour rights. He therefore welcomed the fact that the world community had recognized that labour rights were essential for development and that they could best be measured on the basis of ILO textual sources.
111. The ILO must clearly identify the areas where it could play a leading role in implementing the 2030 Agenda. Those areas might include the supply of more technical advice to constituents, the provision of more guidance on macroeconomic policies and growth strategies that deliver decent work, or a study of how wages, social protection, collective bargaining and other labour market policies could reduce inequalities. Unfortunately the document under consideration contained none of the integrated, rights-based policy guidance on inclusive growth and decent work which had been requested at the 326th Session. He therefore asked the Office to prepare a practical paper on that subject for discussion at the March 2017 session of the Governing Body. Subject to those comments, his group endorsed the draft decision.
112. *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the document prepared by the Office, which highlighted that the ILO was instrumental in sustaining the interest and enthusiasm of the UN HLPF. The Africa group welcomed in particular the fact that in 2019 the HLPF would focus its review on decent work, which was both an instrument and a Goal of sustainable development. The End to Poverty Initiative offered member States and other organizations in the multilateral system an opportunity to promote decent work. If development indicators were to be effective, they should be devised at the regional and national levels and approved at the international level. Countries and regions should be helped to monitor progress against them. His group was encouraged by the ILO's efforts to make the framework of the 2030 Agenda a key reference point when formulating the Strategic Plan 2018–21. He called for the strengthening of the role played by the International Programme on the Elimination of Child Labour (IPEC) in efforts under Alliance 8.7. He commended the 22 countries which had already undergone voluntary national reviews of their implementation of the 2030 Agenda and urged the ILO to provide constituents with the support which they needed in order to implement the SDGs. His group endorsed the draft decision as proposed by the Office.
113. *Speaking on behalf of GRULAC*, a Government representative of Panama said that the discussion at the March 2017 session should be aligned with the themes of the HLPF, from the perspective of decent work. The Quadrennial Comprehensive Policy Review (QCPR) would bring together the efforts of the UN system to implement the 2030 Agenda. Given the

importance of Goal 8, the ILO should strengthen joint efforts to allow the best use of resources and knowledge available in the UN system. It would have been useful to mention in the document the ILO's participation in the global macroeconomic dialogue, which could have a positive impact on Goal 1. The group welcomed the ILO's key role as the custodian of 13 indicators and its engagement to work with other agencies in all indicators related to decent work. GRULAC reaffirmed its willingness to establish national indicators and integrate the SDGs into the DWCPs. It requested further details about Office efforts to put decent work at the heart of the 2030 Agenda, especially with regard to tripartism. The Office's involvement in alliances to implement the 2030 Agenda was important in bringing together other international organizations, different government levels, academic institutions and civil society. GRULAC recalled the value of South–South and triangular cooperation for sustainable development, which had proven successful in the developing world. The group supported a discussion in the High-Level Section, and endorsed the draft decision.

114. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran commended the Office for preparing the document and for its constructive contribution in formulating that global development framework. The Office should continue to provide input on the themes and selected SDGs in future HLPF meetings. The success of the Implementation Plan hinged on the development of an integrated approach to the interrelated dimensions of sustainability in the 2030 Agenda. ASPAG welcomed the revised Office guidance for the preparation and implementation of the DWCPs, which should reflect the requirements of the 2030 Agenda and respond to constituents' needs. The Implementation Plan must effectively address climate change and its impacts; failure to do so would compromise the ability of countries to attain many of the SDGs. Furthermore, States must refrain from adopting and implementing any unilateral economic, financial or trade measures that violated international law and impeded the realization of decent work, particularly in developing countries. To monitor and evaluate progress towards goals, an efficient set of indicators must be devised and applied at the global, national and regional levels. Moreover, it was vital to strengthen the capacity of constituents to produce quality and reliable data and for the ILO to upgrade its own capacity to support constituents. The establishment of the Academy on Labour Market Statistics and Analysis at the Turin Centre was therefore welcome. The group supported the draft decision.
115. *Speaking on behalf of IMEC*, a Government representative of Norway highlighted the ILO's vital role in supporting member States' efforts to achieve the SDGs through its country-level engagement, advancing decent work in national sustainable development strategies and incorporating SDG-related work into DWCPs. Close collaboration would be crucial to the achievement of sustainable development. Further areas for possible collaboration included youth employment and decent work opportunities for refugees. Other Centenary Initiatives, in addition to the End to Poverty Initiative, should be included in the ILO Implementation Plan. The Office should continue to assist member States in building their statistical capacity to improve their monitoring of targets and indicators. Concerning the new QCPR, the Office should align itself with the outcome of the resolution and reflect it in its Programme and Budget for 2018–19. While IMEC agreed with the proposal to review the ILO's contributions to the HLPF meetings for 2017, 2018 and 2019 during the March sessions of the Governing Body, the discussions would be most productive if they were part of the regular Governing Body agenda. The group proposed adopting that approach as a trial in March 2017 and consequently amending subparagraph (b) of the draft decision to replace "hold a high-level discussion in the framework of" with "include it as an item on the agenda of the INS or POL sections of". With that amendment, IMEC supported the draft decision.
116. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Turkey, Montenegro and Albania aligned themselves with the statement and that it supported the IMEC statement. The EU was supporting sustainable development through its Europe 2020 strategy and European and national initiatives to implement the

2030 Agenda. The ILO resolution on Advancing Social Justice through Decent Work and the End to Poverty Initiative provided a good framework to guide the Office. The ILO must play an active role, including through supporting national strategies for sustainable development and decent work for all. The group supported the request for the Director-General to strengthen the ILO's capacity to support constituents and contribute to the UN-wide indicators framework, and the proposal to use the March 2017, 2018 and 2019 sessions of the Governing Body as a platform for tripartite discussion of the ILO contribution to the HLPF annual review. The EU supported the draft decision as amended by IMEC.

117. *A Government representative of Indonesia* emphasized the central role of the End to Poverty Initiative in the implementation of the 2030 Agenda, and supported the ILO Implementation Plan. The ILO should strengthen its approach to partnerships in ensuring the achievement of Goal 8. The Government welcomed the revised DWCP Guidebook and the progress of the Development Cooperation Strategy 2015–17. As the likely custodian of 13 SDG indicators, the ILO must increase efforts to support the tripartite constituents in implementing decent work at the national level. The Indonesian Government welcomed the proposed high-level discussion on the ILO's contribution to the 2017 HLPF.
118. *A Government representative of Brazil* thanked the Office for the concise and ambitious document on such a key topic. He said that the ILO should support constituents in their efforts to integrate the SDGs into their DWCPs, and should engage in multi-stakeholder partnerships in line with Goal 17. Concerning the eradication of forced labour, his Government looked forward to the recurrent discussion on fundamental principles and rights at work at the 2017 session of the Conference and to a debate on the ILO's contribution to implementing target 8.7, as well as the IV Global Conference on Child Labour in 2017. The ILO's involvement in gender equality and the empowerment of women and girls was encouraging, and partnerships seeking to end workplace discrimination and violence would be welcome. Moreover, South–South and triangular cooperation could provide a pivotal contribution to the SDGs. The launch of the development cooperation dashboard and the emphasis on capacity building were welcome. The new QCPR should incorporate the language agreed at recent multilateral forums. The Government of Brazil supported the ILO's approach to the 2030 Agenda indicators and endorsed the draft decision.
119. *A Government representative of Thailand* thanked the Office for the comprehensive report and said that the integration of the Decent Work Agenda into Goal 8 would contribute to international efforts to end poverty by 2030. The ILO should continue working closely with the UN and other relevant international organizations and forge a stronger partnership with the private sector. His Government had launched an inclusive sustainable development strategy which involved all sectors of society. The ILO's unique tripartite structure would provide substantial contributions towards sustainable development. His Government supported the draft decision.
120. *A Government representative of Bangladesh* said that his Government had taken account of the Decent Work Agenda and the SDGs in its five-year plan for 2016–20, which was aligned with the UN planning cycle. To support constituents in achieving Goal 8 of the 2030 Agenda, ILO country offices and the Turin Centre should design and implement practical capacity-building activities, especially for developing countries. Lessons learned through the annual review by the HLPF, country-level experience and good practices should be well documented and disseminated in a timely fashion to allow periodic adjustments in national activities. There should be strong links and a knowledge-sharing mechanism among labour ministries. The ILO's role in developing indicators to monitor goals and targets related to decent work was crucial. An enhanced global partnership was required to achieve decent work for sustainable development, and in particular to mobilize resources under the Addis Ababa Action Agenda. Countries whose labour markets were vulnerable to climate change should be properly compensated through financial commitments from developed and

industrialized countries with high carbon emissions. His Government supported the draft decision.

121. *A Government representative of Ethiopia* thanked the Office for the informative paper and welcomed the Implementation Plan, with its particular focus on country-level engagement in national sustainable development strategies. National policies, programmes and strategies must be aligned with the SDGs to ensure inclusive growth and sustainable development. Consequently, his Government had adopted a comprehensive national employment policy aimed at promoting decent employment, and was aligning its national plan with the SDGs and developing its own indicator framework for monitoring progress. His Government supported the draft decision.

122. *A Government representative of China* said that his Government had aligned its national medium- and long-term plans with the 2030 Agenda and established an implementation mechanism. As President of the G20 in 2016, China had focused on sustainable development matters at the Hangzhou summit, at which participants had committed to collective action in various areas and endorsed the G20 Action Plan for the implementation of the 2030 Agenda. The ILO should facilitate the formulation and implementation of pro-employment macroeconomic policies, give priority to employment issues, utilize the Turin Centre for capacity building, establish sustainable development partnerships, increase engagement in development cooperation and make full use of official development assistance, South–South and triangular cooperation and public–private partnerships in developing countries in implementing the SDGs. His Government supported the draft decision.

123. *A Government representative of Argentina* said that his Government supported the Implementation Plan, in particular the roll-out of activities in six work streams. Promoting decent work was crucial to facilitating sustainable development under Goal 8 and its targets, and his Government’s current activities were aligned with the principles of the 2030 Agenda.

124. *A Government representative of Sweden*, responding to the Employer spokesperson’s comments on the Global Deal, clarified that it was a multi-stakeholder partnership that aimed to encourage entities such as governments, businesses, including employers’ organizations, and trade unions to enhance social dialogue. As the initiator of the Global Deal, the Swedish Government was supporting the ILO by way of voluntary contributions and development assistance to strengthen social dialogue. The Global Deal was not a new international organization, nor did it promote one particular model of social dialogue. It cooperated, and did not compete, with the ILO, Organization of Economic and Co-operation Development (OECD) and Global Compact. Cooperation and consultation with all relevant actors, including employers’ organizations, was essential. His Government stood ready to continue the discussion with the Employers on how to shape the work of the Global Deal and resolve their concerns.

125. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships (DDG/FOP)) said that the Office’s approach had not been highly specific about the support it might provide to constituents so as to allow countries to determine their own way forward. The Office would be fine-tuning its strategy and would welcome the Governing Body’s input at its next session. He noted the strong feedback on the need to assist constituents in capacity building, which had been included in the proposed Programme and Budget for 2018–19. He also took note of the suggestions and guidance concerning the QCPR. A decision on the QCPR would be taken by the UN General Assembly by December and the Office was mindful that it would need to include it in the final programme and budget proposals. As to the indicators of the 2030 Agenda, he noted the advice that the ILO’s role extended beyond the 13 indicators under its responsibility and encompassed all indicators where the Decent Work Agenda was relevant.

126. *A representative of the Director-General* (Director, Multilateral Cooperation Department (MULTILATERALS)) said that implementation of the 2030 Agenda at the national level was clearly a priority, and more than 100 countries had requested support from the UN Development System in the establishment of national development plans. The Office would strengthen its activities at the national level and its support to the tripartite constituents. It had also developed tools to enable the tripartite constituents and representatives in the field to become more involved in the formulation of those plans. By way of example, the Office had participated in the development of Mozambique's national employment policy, which had been fully integrated with a national sustainable development policy. That would serve as a pilot project and be developed in the future.
127. *The Chairperson*, noting that IMEC and the EU would prefer that the discussion of the ILO's contribution to the HLPF should take place within the Institutional Section or the Policy Development Section, whereas the Workers, the Africa group, GRULAC and ASPAG favoured a discussion in the High-Level Section, proposed that the discussion in March 2017 could take place in the High-Level Section on a trial basis.
128. *The Employer spokesperson* thanked the Government representative of Sweden for his clarifications concerning the Global Deal; the Employers' group was satisfied with the emphasis on cooperation with the most representative workers' and employers' organizations. As to paragraph 22(b), his group preferred the proposed amendment, as it was crucial to have a practical discussion. However, the Employers would accept the decision reached by consensus.
129. *The Worker spokesperson* reiterated the importance of mainstreaming the Decent Work Agenda in the work of other UN agencies, and said that a high-level discussion was preferable in order to involve other actors. A final decision could be taken after a trial in the High-Level Section of the March 2017 session.

Decision

130. *The Governing Body requested the Director-General to:*
- (a) *make use of the 2017, 2018 and 2019 March Governing Body sessions as a platform for tripartite discussion of the ILO contribution to the HLPF annual review, on the basis of the theme and SDGs selected for each review;*
 - (b) *in that regard, hold a high-level discussion in the framework of the March 2017 Governing Body on the decent work dimensions of the 2017 HLPF theme of "eradicating poverty and promoting prosperity in a changing world";*
 - (c) *report to the March 2017 Governing Body session on the outcome of the UN discussions on a new QCPR and other 2030 Agenda implementation activities; and*
 - (d) *continue to ensure the integration of decent work dimensions of the 2030 Agenda in the Programme and Budget proposals for 2018–19 including strengthening the ILO's capacity to support constituents and contributing to the UN-wide sustainable indicators framework.*

(GB.328/INS/7, paragraph 22.)

Eighth item on the agenda

Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015) (GB.328/INS/8)

131. *The Employer spokesperson* said her group was puzzled that the report did not provide any information on the implementation of paragraph 18 of the 2015 Conference conclusions, which called on the ILO to give due consideration to the specific needs of small and medium-sized enterprises (SMEs) referred to by the Employers as the “think small first approach”, particularly since her group had asked the Office in November 2015 to indicate the specific steps to be taken in order to effectively mainstream that approach in the Organization’s work. She wished to know what had been done to give effect to paragraph 18 and what future activities were planned in that regard. Her group encouraged the Office to continue its review of the Enabling Environment for Sustainable Enterprises (ESEE) programme and noted that the time was ripe to agree on ambitious targets for the programme and budget for the next biennium. She asked how the Office would accommodate the expansion of the programme, should the results of the review indicate that the expansion desired by the Conference was feasible. Furthermore, she asked what plans were in place to follow the three directions outlined in the 2015 Conference conclusions, namely: creating stronger links to work on ILO employment and quality of work policies as well as DWCPs; going beyond the level of assessments to include support and capacity development of constituents to identify, implement and monitor reforms; and expanding the ESEE approach to support enterprise formalization. She underscored the need for employers’ organizations to become key partners in the project proposed in paragraph 9 of document GB.328/INS/8, as they could support SMEs, have an important multiplier function and ensure continuity. Her group trusted that ACT/EMP would be fully involved in the development of that project. Lastly, she reiterated the Employers’ request to the Office to report on progress in respect of the call, made in paragraph 20(d) of the 2015 Conference conclusions and during the debate on outcome 4 at the current Governing Body session, to scale up the Sustaining Competitive and Responsible Enterprises (SCORE) programme.
132. *The Worker spokesperson* started by saying that when following the Employers’ “think small first” approach, consideration should also be given to the vulnerable and the protection of workers. The tables in the report should have included all issues raised in the conclusions, including those on which no progress had been made. Paragraph 7 stated that research on the impact of social dialogue and collective bargaining on working conditions in SMEs had not begun because the necessary resources were not yet available; his group could not support the Office’s work on SMEs unless it addressed challenges related to working conditions, wages, freedom of association and collective bargaining. The Enterprises Department, and particularly the Small and Medium Enterprises Unit, should work more closely with other ILO units that dealt with standards, working conditions and industrial relations, both at headquarters and in the field. Workers’ and employers’ organizations required capacity building in order to increase their representation in SMEs and be provided assistance with collective bargaining. Only through carefully designed industrial relations systems could SME workers enjoy their fundamental rights; the Office should advise them of the nature of those systems and promote them in country programmes. The competencies of newly recruited ILO staff members should include areas such as working conditions and industrial relations. His group attached great importance to the promotion of cooperatives, to the provision of technical assistance to, and research and statistics on, cooperatives, which had been discussed at the Conference but were not covered by the action plan, and to the

Promotion of Cooperatives Recommendation, 2002 (No. 193). He wondered whether the complementary publication on procurement mentioned in paragraph 5 of the document had been published and hoped that the Office would look beyond first and second tier suppliers and take into account the conclusions on the global supply chain discussion. The Office's research and impact assessments should focus on working conditions and industrial relations. It would be useful to know which countries had been selected for new EESE country assessments (paragraph 8) and how that choice had been made; his group would also like to know when the workshop on the results of the EESE review would take place and stressed again the importance of the social pillar. The work on the formalization of the informal economy should have better integrated the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and, in particular, paragraph 25(c) thereof. The risk that some items of the action plan might remain underfunded (paragraph 11) suggested that if no additional resources were identified, the relevant work would not be done and was unacceptable to his group, which requested clarification on the funding issues. In addition, the Workers sought clarification with regard to the reference, in subparagraph (b) of the draft decision, to allocation of "the required resources, within the limits of resources available ..."; funding shortfalls should not prevent the implementation of activities in areas of work that were a priority for his group but should be addressed through a more balanced distribution of the available resources.

133. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that while his group welcomed the decision to focus on the action plan in the report, it would have been useful to provide a link to the Office's full workplan on the promotion of SMEs and to include information on the progress achieved in the six new SME intervention countries. He also expressed deep concern at the failure to explain what the Office was doing to make funds available for the ILO–World Bank joint research programme on job creation and shared prosperity. His group expected that similar partnerships, with adequate funding, would be forged so that the Office could conduct the planned research on the impact of social dialogue and collective bargaining on working conditions in SMEs. He supported the draft decision.
134. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that young and high-growth SMEs were the primary engine of job creation in his region. He encouraged the Office to focus more closely on those enterprises, which often struggled to survive, and on implementation of the conclusions adopted at the 325th Session of the Governing Body, including by improving the statistics on cooperatives. He supported the draft decision.
135. *Speaking on behalf of IMEC*, a Government representative of Turkey said that implementation of the resolution concerning SMEs and decent and productive employment creation, in addition to the action plan adopted at the 104th Session of the Conference (2015), could contribute to the achievement of target 3 of Goal 8, which called explicitly for the encouragement of the formalization and growth of micro-, small and medium-sized enterprises. Nearly 600 million jobs would be needed over the next 15 years and SMEs would play a pivotal role in employment creation. Several paragraphs of the report mentioned the need for additional funding; he encouraged the Office to integrate related programmes and activities in order to save time and resources, both human and financial, and avoid duplication and overlapping. The next report on the topic should provide more information on lessons learned and challenges encountered in implementing the action plan and on the implementation of paragraph 20(d) of the 2015 Conference conclusions. As publication of the review of the EESE programme had been delayed, the Office should ensure that it included conclusions and lessons learned from country-level assessments and programmes. Although new knowledge based on rigorous research was a key deliverable of the action plan, the Office seemed unable to provide the desired knowledge in a timely manner; he expressed the hope that the outcome of the relevant research would be presented

in detail in future reports. The next report should also include more information on the development of policy guidance, taking regional and sectoral differences into account; the budgetary implications of the action plan (which, together with funding information, should also be reflected in the tables); proposals for the next biennium; and measures taken in order to ensure the continued success of interventions. The Office should further evaluate the impact of information and communication technologies (ICTs) on SMEs and make its information resources more user-friendly, while Governments and the social partners should focus on providing SMEs with access to ICTs as appropriate. IMEC attached great importance to strategic partnerships that would allow the ILO to expand programmes that had proved effective. He supported the draft decision.

136. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Turkey, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova and Georgia. She expressed support for the IMEC statement. Actions undertaken by the Office in the areas of decent work in SMEs and decent work in global supply chains should be linked. The Office should consider including in its research the impact of SMEs on creating jobs for youth and migrants and explain the role played by the Research Department and the Department of Statistics in knowledge-generation activities and whether those activities included helping constituents to gather data on the quantity and quality of jobs in SMEs. It was unfortunate that, owing to a lack of resources, the planned research on the impact of social dialogue and collective bargaining on working conditions in SMEs had not begun; that topic was related to issues that lay at the core of the ILO's mandate and were important to the EU. The Office should explain how it set priorities for implementation of the action plan and whether cooperation between departments was envisaged. The ILO should work closely with other international organizations, such as the UNCTAD, the OECD and the World Bank, in implementing the 2030 Agenda, which would attract increased attention to SMEs throughout the multilateral system. With regard to resource constraints, the action plan should be viewed in the broader context of the Office's work on the promotion of SMEs and should therefore be taken into account in programme and budget discussions. She supported the draft decision.
137. *A Government representative of Ethiopia* stressed the need for an evidence-based policy response that would create an enabling environment for SMEs to sustain and create decent, productive employment in the service of development. He supported the draft decision.
138. *A Government representative of India* said that micro-, small and medium-sized enterprises were her country's most important sector and contributed significantly to manufacturing output, employment and exports, helping to industrialize rural areas and complementing large industries as ancillary units. Her Government was promoting innovation and entrepreneurship and developing legislation that would facilitate compliance with occupational safety and health (OSH) regulations by small factories. Because SMEs were an extremely heterogeneous group in terms of size and age and were defined variously by different countries, research into their impact on job creation was needed. The Office's interventions should be country- and sector-specific and of sufficient breadth for their impact and effect to be considered representative. The ILO should work more closely with the social partners in the context of the SCORE programme.
139. *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the demand for work in the area of SMEs was very high and there was no single solution to the funding shortfall; the Office would work closely with the social partners to make best use of the available resources and consider additional sources of financing. The "think small first" approach had been incorporated into the action plan as part of the EESE programme review and was reflected in the table; consideration would be given to ways of expanding that approach. The EESE assessments and surveys were a source

of useful information for designing employment policies and his Department's specialists were regular presenters at employment academies. Implementation and monitoring were incorporated into the Office's work and significant effort and resources, including co-funding, had been devoted to building the capacities of constituents, including employers' organizations; the Office would work with ACTRAV, ACT/EMP and the social partners to see how further capacity building could be provided to constituents in the various regions. Enterprise formalization would become part of the Office's new product offering, particularly in the area of EESE, and the relevant departments were cooperating on the issue of SMEs in the informal sector. Future reports would explicitly link work in the related areas of SMEs and the global supply chain. The Office was deeply involved in the migration debate, particularly with regard to training using the Start and Improve Your Business (SIYB) model, and would be expanding its research in that area to include SMEs. His staff consulted with the Research Department and other relevant departments on a regular basis and they played an important role in the design of impact assessments. Priorities for implementation of the conclusions had been set but, for financial reasons, not all of them could be addressed. The Office attached great importance to partnerships, particularly with the Donor Committee for Enterprise Development (DCED) and with other UN agencies, and was a member of the UN Inter-Agency Task Force on Social and Solidarity Economy. In light of the anticipated time constraints for discussion of the report, some of the relevant information had not been included in the tables; it would, however, be made available to the social partners. For funding reasons, the Office had not yet formulated a proposal on social dialogue and collective bargaining but would endeavour to do so; it would also pay closer attention to field-level initiatives; the issues of working conditions and industrial relations; and capacity building for employers and workers. New EESE country assessments were being prepared for Armenia, Costa Rica, Georgia, Mexico, Tajikistan, Timor-Leste, Turkmenistan, Ukraine, Uruguay, Uzbekistan and Zimbabwe; additional requests had been received from Burkina Faso, Guyana, Nepal and Namibia. The workshop on the results of the EESE review would be held in early 2017 and the procurement publication on additional case studies was ready for publication.

140. *The Worker spokesperson* thanked the Office for the clarification provided but reiterated that work in the areas of social dialogue and collective bargaining was a top priority and should be funded from the core budget of the Organization; resources should be reallocated for that purpose as needed. It was also important for governments and the EESE work to focus on the whole spectrum of enterprises from MNEs to SMEs and cooperatives and their relationships.
141. *The representative of the Director-General* (Director, ENTERPRISES) said that some of the work planned could be carried out without additional funds. The Office had taken note of the importance of social dialogue and would do its utmost to address all the requests made.

Decision

142. ***The Governing Body took note of the progress report on the implementation of the SME action plan and requested the Director-General to:***
 - (a) ***continue to implement the action plan on how to follow up the 2015 SME conclusions, taking into account the guidance provided by the Governing Body;***
 - (b) ***allocate the required resources, within the limits of resources available, so as to ensure continued success with the implementation of the action plan;***

(c) submit a second progress report to the Governing Body at its 331st Session (November 2017).

(GB.328/INS/8, paragraph 12.)

Ninth item on the agenda

Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) ([GB.328/INS/9](#))

- 143.** *A representative of the Director-General (DDG/MR)* said that the extension to the Supplementary Understanding had been signed between the Government of Myanmar and the ILO on the previous day and would operate until December 2017. Consequently, in paragraph 8 of the document, the agreement “in principle” had become a formal agreement and would lead to the finalization of discussions with the Government on the revised and updated Action Plan on the Elimination of Forced Labour. The draft decision would be amended accordingly. The proposed Framework for ILO Engagement in Myanmar would be developed further into a DWCP by August 2017, for reporting to the Governing Body in November 2017.
- 144.** *A Government representative of Myanmar* said that the recent election of a civilian Government in his country was a historic turning point and a significant step towards full democratization. Both the EU, in not tabling its annual resolution on the situation of human rights in Myanmar at the current UN General Assembly, and the United States, in lifting its remaining sanctions on Myanmar and restoring Generalized System of Preferences (GSP) status to the country, had recognized the positive developments made towards peace and reconciliation in Myanmar. His Government had also made great efforts towards enabling job creation, promoting SMEs and ensuring better working conditions, accountability and transparency within the economy. Regarding the elimination of forced labour in Myanmar, he pointed to the Supplementary Understanding between the Government of Myanmar and the ILO and its subsequent extension. While the practice of forced labour in Myanmar had substantially decreased as a result of awareness raising and collaboration between the Government, national stakeholders, the ILO Office and the Liaison Officer, it still remained an issue to be addressed and his Government would continue to work closely with the Office to produce an objective report on the matter. The number of complaints received should be differentiated from the number of evidence-based, verified cases referred to the Ministry, to reveal the true situation. In order to address forced labour effectively, the Government would deploy modalities to resolve issues at local level, decentralize authority and responsibility to state and regional governments and increase social partner involvement. Capacity building and awareness raising should be increased for employers’ and workers’ organizations in industrial areas and the garment sector. The positive changes in the country coupled with the significant progress made in cooperation with the ILO, would usher in greater promotion and protection of workers’ rights. The Framework for future ILO engagement in Myanmar could constitute a basis for future cooperation, focusing on consolidating joint efforts on freedom of association and the elimination of forced labour. He was ready to discuss the establishment of an ILO country office in Myanmar and to develop a DWCP. The ultimate aim was to transfer ownership to all national stakeholders to address and overcome challenges for national tripartite constituents through capacity building and advocacy. Myanmar would continue to work closely with the ILO Office and the Liaison Officer.

145. *The Worker spokesperson* said that the report relating to the Forced Labour Convention, 1930 (No. 29), submitted by the Government of Myanmar to the 325th Session of the Governing Body had provided little specific information on compliance with the joint Government of Myanmar and the ILO Action Plan on the Elimination of Forced Labour by 2015, and numerous provisions of the Action Plan had remained completely or substantially unaddressed. While progress had been made in the country with regard to forced labour, much work had yet to be done. The military continued to engage in forced labour. He was troubled that the Office report made no reference to the lack of accountability for the perpetrators of forced labour. The Workers had repeatedly urged the Government and the ILO to ensure that perpetrators received sanctions to deter future violations. However, prosecutions for forced labour offences had essentially ended and most prosecuted individuals had merely received administrative punishments. The ILO should not let such issues slip off of the agenda, and should redouble its efforts to hold those responsible to account, including through criminal sanctions. While he understood that the Government had inherited numerous difficult and urgent challenges, forced labour was the one issue that had pushed Myanmar to the margins of the international community. The Government should undertake to swiftly resolve the issue once and for all. The Workers supported the continued operation of the Supplementary Understanding, and the Memorandum of Understanding and its associated Action Plan, and strongly urged the current Government to learn from the errors of the previous one, particularly its failure to work with trade unions and affected communities towards eradicating forced labour. Trade unions were a necessary partner and must be fully involved in the implementation of the Action Plan. The report provided no specific information on the content of the revised Memorandum of Understanding and updated phase of the Action Plan, and needed to be more ambitious than simply developing additional awareness programmes. Accountability and specific plans focusing on areas and sectors in which forced labour was a major risk were necessary. He hoped that representative trade unions in Myanmar had had or would have an opportunity to comment on the content of the new Memorandum of Understanding and Action Plan. He expected to be able to review, comment on and approve the Memorandum of Understanding and Action Plan in March 2017, and therefore supported the United States' amendment to the draft decision. He deeply regretted that the Myanmar Freedom of Association project had not been continued after 2015, and urged the ILO to find the resources to ensure that the work was strengthened, particularly in light of the systemic violations of freedom of association in the garment industry. Trade union representatives should be fully involved in the design and implementation of the trade union development efforts envisaged in the Framework. Further labour law reforms were necessary to build mature industrial relations. Workers continued to be disciplined or dismissed for their trade union activity and were unable to obtain effective remedy under the existing law. The ILO should continue to work with the social partners and the Government to develop the amendments necessary to address priority areas for labour law reforms. The Workers expected to see progress on the issue in 2017. The ILO should also focus on the Special Economic Zones Law, which impeded the efficient settlement of labour disputes. It was deeply troubling that only a few foreign companies investing in Myanmar had undertaken substantive action on their human rights commitments in their supply chains in the country. The ILO needed to step up its engagement with MNEs to ensure that they were undertaking appropriate human rights due diligence, and work to ensure that a small elite connected to the military did not continue to reap the vast majority of the wealth, while decent work remained a distant hope for the vast majority of workers. It should also exercise its convening role to bring companies, workers and the Government to the table in key industries to guarantee the development of decent work and the negotiation of sectoral collective agreements. Trade unions should have a central role in the design and implementation of the ILO–H&M Project. He supported the Framework for ILO Engagement in Myanmar and urged governments to contribute the resources to ensure its full implementation.

146. *The Employer spokesperson* said that he welcomed the Government's renewed commitment to eliminating forced labour, reforming the labour laws, promoting freedom of association and institutionalizing social dialogue; also welcome was the proposed Framework for ILO Engagement in Myanmar. He supported the draft decision.
147. *Speaking on behalf of ASPAG*, a Government representative of Japan said that he welcomed Myanmar's long tradition of cooperation with the ILO and hoped that the new political environment would ensure the greater enjoyment of workers' rights. In providing technical assistance, the Office should ensure that the country's specific needs were met. He supported the draft decision.
148. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Serbia, Albania and Norway. She welcomed progress in the transition to democracy, the reinvigoration of the peace process and the Government's efforts to ensure the enjoyment of human rights, including labour rights. The EU had worked closely with the Government, the social partners and other Governments in democratizing and reforming the country and promoting human rights and gender equality. She welcomed the extension of the Supplementary Understanding and looked forward to a swift revision of the Memorandum of Understanding. The ILO should discuss strategies and actions for further reducing child labour with the Government and the social partners, and the police and the courts should enforce the legislation on forced labour more effectively. She welcomed the Office's capacity-building projects on freedom of association, the Labour Market Governance Project, the labour law reform process and the new Framework for ILO Engagement in Myanmar. She supported the draft decision as amended.
149. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Cambodia said that he welcomed the recent developments in the promotion of labour rights in Myanmar, which were producing tangible results. He urged the international community to engage constructively with Myanmar and support the democratic reform process. The Office should continue to provide technical assistance with the development of a DWCP, the elimination of forced labour and the promotion of freedom of association and SMEs.
150. *A Government representative of the United States* said that the Government should re-establish both high-level and technical working groups to address the backlog of complaints and ensure that all new complaints were processed expeditiously. It should work with the ILO Liaison Office in Myanmar to revise and renew the Memorandum of Understanding with a revised Action Plan as soon as possible and implement the Supplementary Understanding. While there had been progress on the issues raised in the decision adopted in March 2016, not all of the Governing Body's requests had been fully met. She therefore proposed that the draft decision be amended by placing "until December 2017" after "Supplementary Understanding" and inserting "urges the Government to implement the Supplementary Understanding and renew" before "the Memorandum of Understanding" and "with" before "an updated further phase" in subparagraph (a); replacing the words "steps taken" with "commitments made" in subparagraph (b); and adding a new subparagraph (f) reading: "requests the Director-General to report to the 329th Session (March 2017) of the Governing Body on the implementation of the Supplementary Understanding and progress made in renewing the Memorandum of Understanding with an updated further phase of the Action Plan".
151. *A Government representative of Australia* congratulated the new Government on its efforts to achieve national reconciliation. She welcomed the completion of the Labour Force Survey; the declarations of commitment to address forced labour received from two major non-state armed groups; the latest release of minors by the armed forces; the progress in

eliminating forced labour and promoting freedom of association; the Government's cooperation with the ILO in implementing the joint Action Plan; and the signing of the extension of the Supplementary Understanding to take it to December 2017. She supported the draft decision with the amendments put forward by the Government representative of the United States.

152. *A Government representative of the Russian Federation* said that he welcomed the cooperation between the ILO and the Government; the legislative reforms aimed at eliminating forced labour and developing social dialogue and tripartism; and the advocacy for decent work, job creation and cooperation on issues related to the safeguarding of workers' rights. The planned extension of the Supplementary Understanding and the updating of the Memorandum of Understanding constituted positive developments. The ILO should continue to cooperate closely with and support the work of the Government of Myanmar through the provision of expert assistance.
153. *A Government representative of India* said that he welcomed the positive steps taken by the new Government of Myanmar to enact new labour legislation to strengthen national efforts to eliminate forced labour and promote freedom of association. Myanmar had demonstrated its willingness to strengthen social dialogue and to increase opportunities for decent employment. India welcomed the constructive engagement between Myanmar and the ILO and plans to expand cooperation to include technical assistance to support the labour reform process. He supported the establishment of an ILO country office, the proposed Framework for ILO Engagement in Myanmar and the extension of the Supplementary Understanding. He supported the draft decision.
154. *A Government representative of Japan* said that Japan welcomed the establishment of a new Government led by the National League for Democracy. During her recent official visit to Japan, Ms Aung San Suu Kyi, State Counsellor, Minister for Foreign Affairs of the Republic of the Union of Myanmar, had met with Mr Shinzo Abe, Prime Minister of Japan, who had assured her that the Government of Japan fully supported the new Government of Myanmar as a partner that shared the fundamental values of freedom, democracy, human rights and the rule of law. The Government of Myanmar was to be commended on its efforts to eliminate all forms of forced labour. Japan supported the principle of an Action Plan, as promoted by the Office, and had been providing Myanmar with support and technical assistance. He said that he hoped that cooperation with Myanmar through the ILO and other bodies would continue, leading to the increased effectiveness of the Action Plan on the Elimination of Forced Labour. Japan supported the draft decision.
155. *A Government representative of China* said that China welcomed the extension of the Supplementary Understanding, the labour legislation reforms undertaken and the creation of a Framework for ILO Engagement in Myanmar. Furthermore, China supported discussions on the creation of an ILO country office in Myanmar and the DWCP. It was hoped that the future would bring even greater cooperation between the Government of Myanmar and the ILO on the promotion of decent work and social protection.
156. *A Government representative of Myanmar* said that Myanmar supported the amendments put forward by a Government representative of the United States.
157. *The representative of the Director-General (DDG/MR)* said that, at the fifth National Tripartite Dialogue Forum, held in September 2016, both the Workers and the Employers had recognized that forced labour was emerging or becoming more apparent in the private sector in Myanmar, and that both trade unions and employers' organizations could play a significant role in that regard. Consequently, there would be a stronger role for them both in the updated Action Plan, which would be designed with a sustainable solution in mind. Activities under the Action Plan would be more decentralized. He said that he hoped to be

able to report conclusively to the Governing Body on the update of the Action Plan in March 2017.

158. *The Chairperson* said that a consensus on the draft decision, as amended by the United States, had been reached.

Decision

159. *The Governing Body:*

- (a) *welcomed the renewed commitment made by the Government of Myanmar to the elimination of forced labour through the extension of the Supplementary Understanding until December 2017 and urged the Government to implement the Supplementary Understanding and renew the Memorandum of Understanding with an updated further phase of the Action Plan, including increased efforts at the state and regional levels;*
- (b) *welcomed the commitments made by the Government to reform labour laws, promote freedom of association and institutionalize social dialogue;*
- (c) *endorsed the proposed Framework for ILO Engagement in Myanmar 2016–17 developed in consultation with the Government and social partners;*
- (d) *requested the Director-General to pursue discussions on the establishment of an ILO country office in Myanmar and the development of a DWCP;*
- (e) *requested the Director-General to report to the 331st Session (November 2017) of the Governing Body on the progress made in implementing the Framework of Engagement;*
- (f) *requested the Director-General to report to the 329th Session (March 2017) of the Governing Body on the implementation of the Supplementary Understanding and progress made in renewing the Memorandum of Understanding with an updated further phase of the Action Plan.*

(GB.328/INS/9, paragraph 42, as amended by the Governing Body.)

Tenth item on the agenda

Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), submitted by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution

Information on progress achieved ([GB.328/INS/10\(Rev.\)](#))

- 160.** *The Special Representative of the Director-General for Guatemala*, providing an update on the activities of the Office of the Representative of the Director-General in Guatemala since the 326th Session of the Governing Body, said that in August it had invited experts from Colombia and Argentina to visit Guatemala in order to share their experience of collective bargaining in the public sector, especially the civil service. The national debate surrounding collective agreements and their impact on the State's social investment was continuing; it was still necessary to establish social dialogue on the matter. In September, his office had provided support for a course to make the judges and legal officers of the Constitutional Court aware of the importance of international labour standards and their role in implementing them and it had itself organized training for high-level court judges in the application of fundamental Conventions. A handbook on hearings and how to execute and enforce labour rulings would be drawn up with labour court judges in January, as the judiciary lacked the capacity to use the existing mechanism to do so. In October, heads of the media, opinion leaders and journalists had been invited to an event organized by the ILO in which they received information about fundamental Conventions, the right to organize and the complaint under consideration. His Office was giving the Legislature and the Executive Branch ongoing assistance in drafting reforms to the Labour Code and was endeavouring to expedite consultations on draft legislation to restore the authority of the labour inspectorate to impose penalties, which might produce results in the near future. The Public Prosecutor's Office, with the assistance of international bodies such as the International Commission against Impunity in Guatemala (CICIG) must step up its efforts to investigate crimes against trade union leaders and punish those behind such crimes. It would be necessary to ascertain whether the registration of trade unions had effectively been simplified. Proof was needed that all forms of violence against trade unionists had really lessened and that steps had been taken to respect the right to organize and freedom of association at the municipal, departmental and national levels.
- 161.** *The Worker spokesperson* said that, while the signing of the Protocol for the Implementation of Immediate and Preventive Security Measures for trade union members and leaders and labour rights activists was welcome, very little had been done to punish the perpetrators of violence against trade unionists, a matter to which the Government should pay immediate attention. To date over 75 trade unionists had been killed, including a worker and indigenous leader brutally killed the previous week at a palm oil plantation. He also urged the Government to approve the amendments to labour inspection legislation without delay. The bill to ensure the conformity of national legislation with Conventions Nos 87 and 98 was unsatisfactory. It had been elaborated without tripartite consultation. Its provisions requiring a 30 per cent membership to create unions at the industry level were contrary to Convention No. 87. The bill curbed workers' right to strike in a larger number of services. Public sector workers could still be charged and imprisoned for a strike. Provisions which allowed workers

to continue to work at an enterprise even after a legal strike had been called were a matter of concern, since they were plainly aimed at weakening the power of trade unions. The percentage of workers in favour of striking which was required for such action to be legal was too high. The law also made it an offence to pressure workers to observe or not observe a strike which would be used as a weapon against trade unions legitimately encouraging workers not to work during industrial action. The Worker spokesperson also deplored the continued attacks on collective bargaining in the public sector. He underlined the need for an urgent and major awareness-raising campaign on freedom of association and collective bargaining. As the bill fell short of the goal set in the roadmap, his group had submitted an amendment to the draft decision which read:

Noting with concern the lack of substantial progress in implementation of the roadmap despite the extensive support provided, but noting also the recent submission to the Parliament on 1 November 2016 of the two draft acts mentioned in paragraph 54 of the Annex, the Governing Body:

- (a) expresses the firm expectation that it will be informed before the 329th Session (March 2017) of the passage into law after the necessary changes have been made to the two draft acts so that they fully conform with the conclusions and recommendations of the ILO supervisory system and with Convention No. 87;
- (b) decides to consider, at its 329th Session (March 2017), appropriate measures to support the full implementation of these acts in conformity with the conclusions and recommendations of the ILO supervisory system and with Convention No. 87;

...

- 162.** In the light of the positive role played by the Representative of the Director-General in Guatemala and the progress which was expected in efforts to promote social dialogue as a means of building consensus, the Workers agreed to defer consideration of setting up a Commission of Inquiry to March 2017.
- 163.** *The Employer spokesperson* commended the support and commitment shown by the national employers through the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) with regard to the actions requested in the roadmap, particularly the part they had played in the drawing up of the draft legislation currently before the Guatemalan Parliament. Unfortunately, the trade unions had not demonstrated the same level of support or commitment. He therefore urged them to fulfil their role in social dialogue in the future. The full implementation of the indicators was crucial, and it was therefore to be hoped that the Parliament would pass the bills currently before it, in order to promote freedom of association and labour inspection, among other things. Funds should be allocated to mount the awareness-raising campaign through other media channels. While the efforts made by the courts and Public Prosecutor's Office to resolve cases of anti-union violence were appreciated, further work was needed. He supported the draft decision as amended by the Workers' group.
- 164.** *A Government representative of Guatemala* said that her Government was committed to complying with ILO Conventions. Tangible progress had been made with regard to the roadmap. The Public Prosecutor's Office had made every effort to strengthen the Special Investigation Unit for Crimes against Trade Unionists by increasing and restructuring its staff complement and providing training for it. The Ministry of Labour liaised with the CICIG and the Chief Public Prosecutor to support the investigation of the lawsuits. The claims made by the Indigenous and Rural Workers' Trade Union Movement of Guatemala (MSICG) that the head of the Special Unit was the subject of an investigation order issued as a part of Criminal Proceedings No. 01070-2015-00308 on acts of anti-union violence were incorrect, as the complaint had been filed against a well-known journalist and not a member of the Unit. The Minister of the Interior had approved the Protocol mentioned by the Workers' group on 27 October. Responsibility for harmonizing national legislation with

international labour standards was shared between the Ministry of Labour and Social Welfare and the Congressional Labour Committee. The first step had been to run an awareness campaign on the importance of the reforms. Meetings had also been held with the Tripartite Committee on International Labour Affairs but the workers, represented by trade unions, had decided not to review one of the initiatives, had emphatically rejected the draft amendment of the Labour Code provisions on freedom of association and collective bargaining and had failed to participate in further constructive dialogue. In order to make headway on the implementation of the roadmap, the Ministry of Labour had submitted to the Congress two bills, one recognizing the General Labour Inspectorate's authority to impose administrative penalties and the other one bringing national legislation into line with Conventions Nos 87 and 98 and the Collective Bargaining Convention, 1981 (No. 154).

165. Her Government took issue with the draft decision as it ignored the progress made in investigating the deaths of trade union leaders. It rested on just one indicator, the bills before Congress and disregarded the other nine where there had been significant progress in the previous ten months. Her Government therefore asked the Governing Body to close the complaint against Guatemala and not to appoint a Commission of Inquiry. Pursuit of the complaint would merely prove that those mechanisms were being abused. As a sovereign country which had cooperated with the supervisory machinery, Guatemala was not prepared to go on being a target of a process which would result in the loss of business advantages and jobs for the most vulnerable people in the country. She disagreed with the proposed amendment, as the draft legislation was fully consistent with the conclusions and recommendations of the supervisory bodies and with Convention No. 87 in particular.
166. *Speaking on behalf of GRULAC*, a Government representative of Panama said that the Guatemalan Government had demonstrated its political will to foster observance of labour and trade union rights. It had made progress in implementing the roadmap by submitting draft legislation to restore the authority of the labour inspectorate to impose penalties and to align national labour legislation with Convention No. 87. His group applauded the broad tripartite consultations prior to the drafting of that bill, efforts to ensure its speedy adoption, and moves to expedite investigations into acts of violence against trade unionists. It noted that the awareness-raising campaign had been stepped up. It again called on all sectors to secure the full implementation of Convention No. 87 by taking the measures which had been agreed in a tripartite setting. It welcomed the technical support provided by the Office and asked it to continue its assistance with carrying out the roadmap. His group once again expressed its concern with regard to the examination of the same case under two separate supervisory procedures. That duplication might weaken the functioning of the ILO supervisory bodies and, in the case in hand, undermined moves to improve workers' rights in Guatemala. He urged the Governing Body in March 2017 to carry out a fair assessment of the progress made by the Government of Guatemala and to close the case.
167. *A Government representative of Panama* said that the Guatemalan Government had endeavoured to reach tripartite consensus on legislation in accordance with the observations of the CEACR. His country was concerned about the simultaneous examination of the same allegations under two separate procedures of the supervisory bodies. The Guatemalan Government was plainly determined to follow the roadmap. Appreciable results had been achieved through social dialogue, which was the ideal means for decision-making among stakeholders aware of the need to achieve industrial peace.
168. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Albania, Bosnia and Herzegovina, and Norway aligned themselves with the statement. The EU welcomed the submission by the Guatemalan Government of two bills aimed at bringing national legislation into line with Convention No. 87 and restoring the authority of the labour inspectorate to impose penalties, but regretted that insufficient progress had been made in the areas of tripartite dialogue, freedom of association and the

security of trade union representatives. It therefore urged the Government forthwith to implement the two draft laws on labour rights, investigate crimes against trade unionists, execute court rulings and reinstatement orders concerning workers who were victims of anti-union dismissals, remove obstacles to trade union registration and continue the awareness-raising campaign. It called upon the Government to cooperate closely with the ILO to achieve those objectives and commended the work of the ILO Representative in Guatemala. The EU stood ready to support Guatemala in its efforts to comply with ILO instruments and looked forward to real progress. She supported the draft decision but was open to considering other amendments.

169. *A Government representative of Canada* expressed concern about the poor enforcement of Convention No. 87 and the lack of progress in implementing the roadmap in Guatemala. Human rights defenders and trade union members in Guatemala faced grave challenges in the exercise of their duties. Canada therefore called upon the Government of Guatemala to spare no effort to making demonstrable progress towards meeting its international labour standards obligations. Her country remained committed to supporting the Guatemalan Government's efforts to promote respect for human and labour rights. She supported the draft decision but was prepared to consider amendments thereto.

170. *A Government representative of the United States* welcomed the introduction of draft legislation which, it was to be hoped, would be swiftly enacted and implemented in order to bring national legislation in Guatemala into line with international standards on freedom of association. Her Government was encouraged by efforts to make the Guatemalan labour inspectorate more effective. However urgent action was still required on some elements of the roadmap. More should be done to prevent and punish anti-union violence. Accountability and transparency procedures should be introduced in order to increase compliance with labour court orders, particularly reinstatement orders in cases of anti-union dismissals. As much of the legislative work to improve freedom of association fell outside the scope of the jurisdiction of the Ministry of Labour, it would be wise for the latter to collaborate with other relevant ministries and the judiciary, municipal governments and the ILO. In light of the progress made and the important steps taken to introduce legislation that can have a substantial and positive impact on the realization of worker rights, her Government favoured deferring consideration of the case. She supported the draft decision but proposed a further amendment to subparagraph (a) which would then read: "... expressed the firm expectation that it would be informed before the 329th Session (March 2017) of the passage into law of legislation that fully conformed with the conclusions and recommendations of the ILO supervisory system and with Convention No. 87 ...".

171. *A Government representative of the Russian Federation* said that, as the Guatemalan authorities had shown their readiness to introduce legislation to apply Convention No. 87, develop social dialogue and protect trade union representatives there were no grounds for the establishment of a Commission of Inquiry into the situation in Guatemala. He was in favour of further cooperation between the ILO and the Government of Guatemala in order to optimize existing efforts.

172. *A Government representative of Uruguay* welcomed the two draft laws that had been submitted to Parliament. The fact that they had been drawn up with the support of the ILO representative to Guatemala in consultation with the social partners would seem to guarantee an open social dialogue. She encouraged the Government to secure truth and justice by intensifying investigations into the killings of trade union representatives. Uruguay urged the Government to continue its efforts to guarantee full protection of freedom of association.

173. *The Worker spokesperson* drew attention to the priority issues that continued to require further urgent action as outlined in paragraph 55 of the document. He supported the amendment proposed by the United States.

174. *The Employer spokesperson* also supported the proposed amendment.
175. *Speaking on behalf of GRULAC*, a Government representative of Panama proposed amending the beginning of the draft decision to read: “Noting the progress achieved in the roadmap, including the recent submission to the Parliament” and changing the date to 27 October 2016, when the draft acts were submitted to Parliament. The group welcomed the proposal of the United States.
176. *The Chairperson* suggested that references to “concern” and “progress” could be eliminated from the introduction to make it more neutral.
177. *Speaking on behalf of GRULAC*, a Government representative of Panama said that the proposal was acceptable to his group.

Decision

178. *Noting the steps which had been taken, and those which still needed to be taken urgently to implement the roadmap, and the recent submission to the Parliament on 27 October 2016 of the two draft acts mentioned in paragraph 54 of the report in document GB.328/INS/10(Rev.), the Governing Body:*
- (a) *expressed the firm expectation that it would be informed before the 329th Session (March 2017) of the passage into law of legislation that fully conformed with the conclusions and recommendations of the ILO supervisory system and with Convention No. 87;*
 - (b) *decided to consider, at its 329th Session (March 2017), appropriate measures to support the full implementation of these acts;*
 - (c) *requested the Government of Guatemala to report at its 329th Session (March 2017) on the measures taken to fully implement all the key indicators and the roadmap so that the Governing Body would be able to observe tangible progress;*
 - (d) *called on all parties to engage in constructive social dialogue to promote that progress;*
 - (e) *deferred further consideration of setting up a Commission of Inquiry to its 329th Session (March 2017) in light of the information referred to in subparagraphs (a), (c) and (d) above;*
 - (f) *invited the international community to facilitate the necessary resources to enable the office of the representative of the Director-General in Guatemala to strengthen its support for the tripartite constituents in implementing the Memorandum of Understanding and the roadmap.*

(GB.328/INS/10(Rev.), paragraph 56, as amended in light of the discussion of the Governing Body.)

Eleventh item on the agenda

Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution (GB.328/INS/11(Rev.))

179. *The Worker spokesperson*, in response to the information submitted by the Government, said that Law No. 21 of 2015 had brought little progress on sponsorship. It was still not possible to change jobs mid-contract without the permission of the employer and the Ministry of Interior, except in the event of exploitation by petitioning the Government, which was rare in practice. Under the reform of the exit permit system, workers could request a permit from the Government instead of the employer, but the employer could still object. It was concerning that employers were prosecuting workers under civil and criminal law for alleged offences with no basis in fact, and for acts that should not be illegal under international norms. The Government had therefore ignored the 2016 conclusions of the CAS on amending Law No. 21 before it came into force. There had been little meaningful progress in addressing the payment of fees to recruitment agencies, leaving workers deeply in debt and at risk of forced labour. Legislation banning recruitment fees did not cover fees paid outside of Qatar, which rendered it essentially useless. He requested further information on how the proposed project with VFS Global would eliminate the payment of recruitment fees by workers.
180. With regard to contract substitutions, the Government had claimed that after the entry into force of Law No. 21, visas would be granted only for contracts signed directly between the recruiting party and the expatriate workers, who would sign the contract in their mother tongue and receive a copy before receiving their visa, which would eliminate many instances of exploitation and fictitious contracts. The system should be evaluated once sufficient evidence was available. It was unclear how an employer or recruiter could be prevented from subsequently substituting a contract after issuance of a visa. Concerning the confiscation of passports, there had been little meaningful progress in enforcing the prohibition. The low number of complaints was evidence of workers having difficulty, or being reluctant, in reporting confiscations rather than a reduction in the practice.
181. His group deeply regretted the continued delay in the adoption of a law on migrant domestic workers, which must be treated as a matter of urgency. Qatar must ensure that any law was fully compliant with the Domestic Workers Convention, 2011 (No. 189). The use of standard contracts merely privatized a public law function, and it was unclear how they would be enforceable in court, given the well-known obstacles to justice migrant workers faced.
182. The hiring of additional labour inspectors, including female inspectors, was welcome. However, the low number of interpreters remained concerning, as it would be extremely difficult to collect evidence from workers unable to speak Arabic or English. The Government's report lacked specific data on what violations had occurred, the penalties imposed and collected, and the remedies provided to workers, thus it was difficult to determine whether the inspection system was working properly. The Workers' group found little credibility in the data provided on safety inspections, given the size of the workforce and the fact that in 2014 nearly 1 million hospital emergency visits had been recorded. The causes of death had not been recorded in 498 of the 1,625 deaths of non-Qataris, but it was likely that many of those deaths had been work-related.

- 183.** There was no evidence that the substantial barriers to access to justice had been removed. Workers had told the ILO high-level mission that the electronic complaints process was not easily accessible and that court processes were lengthy. Many workers were unaware of the electronic kiosks for lodging complaints and others could not travel the long distances required. There were still only ten kiosks in the entire country. Some workers had faced retaliation by their employers after filing complaints. In October, representatives of the International Trade Union Confederation (ITUC) and International Transport Workers' Federation (ITF) had submitted a sample complaint at a kiosk and found that the only options available were for unpaid wages, annual leave, bonuses and tickets. If workers suffered any other violations, they would still have to travel to the Ministry of Labour to submit a form. Furthermore, the information provided by the Government failed to address the concerns about access to justice raised by the ILO supervisory system.
- 184.** The Government had indicated that penalties for the violation of labour law had been strengthened through the adoption of Law No. 1 (2015) and Ministerial Order No. 4 (2015). However, Law No. 1 only addressed the non-payment of wages. The Government's report merely reflected how many complaints had been filed, settled, shelved or referred to the judiciary and how many were under examination or follow-up; there was no indication as to what penalties had been imposed and whether workers had received a full remedy in the settled cases. Given the population of at least 1.8 million migrant workers, the number of complaints seemed unusually low. No information on forced labour appeared in the report, despite the comment of the CEACR in 2016 urging the Government to apply in practice effective and dissuasive penalties on those who impose forced labour.
- 185.** His group welcomed the adoption of a wage protection system and looked forward to obtaining data on its operation. However, there were already some problems, including the continued failure to pay workers. In addition to information on the number of complaints from workers in the wage protection system, the Workers' group requested data on prosecutions of non-payment of wages under Law No. 1 of 2015 and information on progress in establishing bank accounts for workers to enable electronic transfers. Many workers did not have a bank account in Qatar and were unaware of the new system.
- 186.** The development of an accommodation strategy to build adequate housing for migrant workers was welcome. There was evidence of some progress, but 85 per cent of the overall migrant worker population were still living in substandard and unhealthy housing. Moreover, thousands of new housing units were left empty because of a lack of transportation infrastructure.
- 187.** The Workers' group welcomed the draft framework agreement between QDVC and Building and Wood Workers' International, which would give worker committees in the companies concerned the right to discuss working and living conditions on construction sites in Qatar. They urged the Government to support the agreement.
- 188.** They supported the draft decision, but emphasized that, in light of the many caveats it had raised, the discussion at the March 2017 session would be decisive.
- 189.** *The Employer spokesperson* welcomed the progress made by the Government of Qatar in its follow-up to the assessment of the high-level mission, especially in the wage protection system and labour inspection. However, much more needed to be done, particularly to protect workers' rights. As Law No. 21 would enter into force in December 2016, the Governing Body would be able to assess its effectiveness at its next session. Therefore, the Employers' group concurred with the Workers' group that the discussion in March 2017 would be critical. They supported the draft decision.

190. *A Government representative of Qatar* recalled the salient points of the Government's report on the measures it had taken. First, Law No. 21 regulating the entry, exit and residence of migrant workers had abolished the requirement for migrant workers to remain outside the country before receiving a new residency permit.
191. Second, the wage protection system requiring all employers to transfer workers' wages to financial institutions within seven days had entered into force one year previously. The statistics issued by the Ministry of Administrative Development, Labour and Social Affairs showed that it had had a positive impact.
192. Third, a working group on domestic workers had been established, which had prepared and presented a bill to the Council of Ministers to finalize the legislative procedures prior to its adoption. Furthermore, a programme had been established to handle complaints from domestic workers and provide them with advice and legal support.
193. Fourth, concerning strengthening the capacity of the labour inspectorate, the number of inspectors had been doubled to 400, they had been provided with handheld electronic devices to increase the efficiency of their work and had received training; further specialized training and awareness-raising activities were planned.
194. Fifth, the Government had launched a communication programme to provide workers with computers and Internet access in their residences, enabling them to maintain contact with their family. The programme also included the screening of videos in ten languages on the use of automated teller machines (ATMs). State capacities in educating workers about their human rights and in receiving and remedying complaints from them had been strengthened.
195. Sixth, payment of fees by workers to recruitment agencies or employers was strictly prohibited by Law No. 14. As it was a matter under the jurisdiction of labour-sending countries, the Ministry had concluded agreements with sending countries to protect workers' rights. Law No. 21 included updated measures to ensure that visas were issued only after a contract had been signed, to prevent workers from being deceived. The Government had signed a contract with VFS Global, a company providing services to diplomatic missions, in order to provide additional protection to workers before recruitment, to ensure the validity of diplomas and qualifications of workers from a number of labour-sending countries and to prevent the manipulation of work contracts.
196. Seventh, Law No. 21 imposed criminal sanctions for passport confiscation and non-renewal of ID cards; the fine had been increased from 10,000 to 25,000 Qatari riyals (QAR).
197. Eighth, on the procedure for issuing exit visas, the Council of Ministers had accepted a draft decision by the Minister of Interior to set up a standing committee to examine exiting workers' grievances against employers. The Government was also organizing campaigns and workshops to raise workers' and employers' awareness about the new law.
198. Ninth, on the effective imposition of adequate penalties, the Council of Ministers had adopted a bill amending certain provisions of Law No. 14, including the establishment of a committee for the settlement of labour disputes which would review within three weeks any disputes concerning the provisions of the labour law or a contract. Its decisions could be challenged before an appeals committee and costs of cases would be borne by the State.
199. Tenth, the Council of Ministers had recently approved the establishment of a national committee to combat trafficking in persons. The committee would develop a national plan, prepare an annual report on the country's efforts to combat trafficking and develop educational programmes to provide protection and support for victims, in conjunction with the relevant authorities.

200. *Speaking on behalf of ASPAG*, a Government representative of the United Arab Emirates said that his group welcomed the efforts of the Government of Qatar to address the issues raised in the complaint and urged it to ensure the effective implementation of Law No. 21 of 2015 replacing the *kafala* system with a contract system. Furthermore, he welcomed the progress achieved in the application of the new wage protection system. He particularly appreciated the Government's cooperation with international workers' organizations and the recent measures taken with regard to recruitment fees and contract substitution, including the hiring of an international company that specialized in providing technological services relating to contracts.
201. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova and Switzerland. She welcomed the Government's efforts to address the situation of migrant workers and implement Conventions Nos 29 and 81. However, even under Law No. 21 of 2015, a change of employer was only allowed after completion of a contract or after five years of employment. Domestic workers, most of whom were women and who were among the most vulnerable, were not covered by the labour law. She urged the Government to finalize the draft legislation on migrant domestic workers and to enact implementation measures that would ensure easy access to the labour courts and other grievance mechanisms and the timely sentencing and punishment of offenders. She encouraged the Government to work with the ILO on a programme of cooperation on decent work with a view to the abolition of the *kafala* system, the improvement of labour inspection and OSH, and the empowerment of workers.
202. *Speaking on behalf of the Gulf Cooperation Council (GCC)*, a Government representative of Bahrain said that Qatar had undertaken bold legislative and institutional reforms to protect the rights of workers on its territory and stood ready to cooperate with the ILO in the effort to achieve social justice for all segments of society. There was no need for the Governing Body to continue its consideration of the case, which should be transferred to the Organization's monitoring bodies.
203. *A Government representative of Sudan* said that in light of the legislative and institutional reforms introduced by the Government, including with a view to the abolition of the *kafala* system, the Governing Body should be able to close the complaint at its next session.
204. *A Government representative of India* encouraged the Government to continue with the reform process and to further strengthen labour rights, including those of migrant domestic workers. The Governing Body should acknowledge that Qatar had cooperated fully with the high-level tripartite delegation and was effectively addressing all the issues raised in the complaint, which should be closed.
205. *A Government representative of the United States* said that while there had been encouraging developments, some of the issues highlighted in the report of the high-level tripartite visit had not been addressed. The implementing regulations for Law No. 21 of 2015, without which it could not enter into force, remained to be finalized; the grounds on which an employer could object to a worker's departure from the country had not been established; and the restrictions preventing migrant workers from terminating their employment relationship had not been removed. The promised law on domestic workers, which was still under internal review, should be submitted to the Office for assessment of compliance with Convention No. 189. The Government had not provided information on the establishment of an adequate training programme for labour inspectors or the development of an inspection strategy; the awareness-raising initiatives on existing complaints mechanisms did not target the most vulnerable workers, including those in SMEs and manpower companies; and there was no information on the penalties for forced labour practices, including passport

confiscation. Qatar's next report should include information not only on lawsuits brought by workers, but on the penalties imposed, which must be effective and dissuasive. The Government should avail itself of the ILO's technical assistance in taking an integrated approach to the elimination of the *kafala* system in accordance with the fundamental principles and rights at work.

206. *A Government representative of Mauritania* called on the Governing Body to provide technical support to the Government of Qatar in support of its efforts to improve labour conditions.
207. *A Government representative of the United Arab Emirates* commended the Government on its efforts to protect labour rights and on the progress achieved and invited the Governing Body to take them into account.
208. *A Government representative of Pakistan* said that he welcomed the steps taken by the Government in addressing the complaint and, in particular, the dissemination of legal and policy information in ten languages. The new legislative and policy measures should be given time to produce results so that their effectiveness could be assessed.
209. *A Government representative of Bahrain* expressed his appreciation for the positive comments made by the high-level tripartite delegation following its visit to Qatar. He expressed the hope that the Governing Body would take into account the sustained cooperation of Qatar, its commitment to international labour standards and the rapidity of the progress achieved and that, with the exception of an update to be provided at its 329th Session, it would not impose any new obligations in its decision.
210. *A Government representative of China* said he hoped that the Government would work with the ILO with a view to the provision of development cooperation that would further enhance the capacity of Qatar to apply the relevant Conventions. Significant progress in protecting the legitimate rights of migrant workers and strengthening labour inspection had been achieved and he saw no need to establish a Commission of Inquiry.
211. *A Government representative of Turkey* noted that the new wage protection system established strict penalties for non-compliant employers. He commended the Government on its efforts to strengthen the labour inspectorate and its plan to upgrade the existing Occupational Safety and Health Unit to a full Department. Additional time was needed for the new regulations and measures to bear fruit. He encouraged the Government to take all necessary measures with a view to the effective implementation of Law No. 21 of 2015 and to increase its efforts to improve working conditions in the country, particularly for foreign workers, in cooperation with the ILO.
212. *A Government representative of Algeria* said that he welcomed the adoption of Law No. 1 of 2015 and Law No. 21 of 2015, and noted that migrant domestic workers were currently regulated by national civil and criminal law and by model contracts annexed to bilateral agreements with their countries of origin. The labour inspection system and complaints procedures had also been improved. He encouraged the Government to continue to work with the ILO within the framework of development cooperation.
213. *A Government representative of Qatar* requested clarification as to whether subparagraph (b) of the draft decision would require the submission of an additional written report.
214. *The Chairperson* replied that the intent was to call for an update on follow-up to the assessment conducted by the high-level tripartite visit team.

Decision

215. *Recalling the decisions adopted in its 325th Session (November 2015) and 326th Session (March 2016) and taking into account the reports submitted by the Government on its follow-up to the high-level tripartite visit's assessment, the Governing Body decided that it would:*

- (a) request the Government of Qatar to provide information to the Governing Body at its 329th Session (March 2017) on measures taken to effectively implement Law No. 21 of 2015 relating to the entry, exit and residence of migrant workers upon its entry into force;*
- (b) in light of the discussions that took place at its 328th Session (November 2016), request the Government of Qatar to report to the Governing Body at its 329th Session (March 2017) on further follow-up to the assessment of the high-level tripartite delegation;*
- (c) request the Government of Qatar to avail itself of ILO technical assistance to support an integrated approach to the annulment of the sponsorship system, the improvement of labour inspection and occupational safety and health systems, and giving a voice to workers;*
- (d) defer further consideration on setting up a Commission of Inquiry until its 329th Session (March 2017), in light of the information referred to in subparagraphs (a), (b) and (c) above.*

(GB.328/INS/11(Rev.), paragraph 13.)

Twelfth item on the agenda

Complaint concerning the non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), submitted under article 26 of the ILO Constitution by several delegates to the 104th Session (2015) of the International Labour Conference
([GB.328/INS/12\(Rev.\)](#))

216. *The Employer spokesperson outlined the situation in the Bolivarian Republic of Venezuela in recent years, highlighting the Government's violations of international treaties, its attacks on freedom of association, use of selective power to intimidate the private sector, insults and threats to business leaders, control over private activity with a growing military presence, and focus on nationalization. Cases of violations of the freedom of association of the Federation of Chambers and Associations of Commerce and Production of Venezuela*

(FEDECAMARAS) had been examined by the ILO supervisory system for far too many years, and the situation was deteriorating. Several ILO missions had taken place, which had adopted straightforward recommendations, including calling on the Government to reactivate social dialogue with FEDECAMARAS, and to cease attacks, threats and intimidation. However, the Government had shown no intention of ending its numerous violations of ILO Conventions. It had taken no steps to implement the action plan submitted to the 326th Session of the Governing Body, and had stated that no action plan for social dialogue had been agreed on, owing to the complex political situation in the country. Pro-government groups had held a public protest against FEDECAMARAS in October 2016, and the Government continued to issue decrees to keep the country in a constant state of emergency. The Government had had many chances to redress its violations of Conventions Nos 26, 87 and 144, yet its response each time had been complete denial. The time had come for the ILO to apply the most effective measures available to ensure that the Government complied with its international obligations on ratified ILO Conventions. Given the seriousness of the situation, the Governing Body should consider the appointment of a Commission of Inquiry.

217. *The Worker spokesperson* reiterated that no follow-up had been given to the action plan on the establishment of round tables to address the issues related to the complaint, and urged the Venezuelan Government to resume dialogue with FEDECAMARAS. It would be an important step for the resumption of tripartite social dialogue and the examination of social and economic issues involving the Government and the social partners.
218. *A Government representative of the Bolivarian Republic of Venezuela* said that the Venezuelan Government had already provided all the necessary responses related to the complaint in question. Despite falling oil prices and attempts to destabilize the country, the Government had recently launched a major dialogue process, involving the Vatican, the Union of South American Nations (UNASUR) and the ministers of foreign affairs and former presidents of a number of countries. On 8 November 2016, Mr Nicolás Maduro Moros, President of the Bolivarian Republic of Venezuela, had publicly called on the Venezuelan business community to join the Government in its efforts to address the economic issues currently affecting the country. Consequently, it would be counterproductive to establish a Commission of Inquiry.
219. *The Director-General* said that Ms Delcy Rodríguez, the Venezuelan Minister for Foreign Affairs, had informed him slightly earlier that the Venezuelan Government was ready to include FEDECAMARAS in the new process of dialogue, specifically in the dialogue table on socio-economic questions, along with trade union organizations. He hoped that that commitment to inclusion in social dialogue might assist the Governing Body in arriving at a decision that was agreeable to all parties.
220. *The Chairperson* read out an amended draft decision that had been agreed upon during consultations between the Employers' group, the Workers' group and the Venezuelan delegation, and invited the Governing Body to comment.
221. *The Employer spokesperson* said that the Employers' group supported the new draft decision, and that they were willing to trust in the good faith of the Government. The representatives of FEDECAMARAS would enter into the dialogue process with every intention of making it a success. He thanked the Director-General for his valuable participation in the process, which was instrumental to finding a solution.
222. *The Worker spokesperson* said that his group was grateful to the Director-General for his work, and requested the Government of the Bolivarian Republic of Venezuela to make every effort to resolve the situation. It was vital for FEDECAMARAS and the various trade unions to take part in the dialogue process.

223. *A Government representative of the Bolivarian Republic of Venezuela thanked the Director-General, the Officers of the Governing Body, and the Employers' and the Workers' groups for their joint efforts, and the member States that had expressed support for his Government with regard to the complaint.*

Decisions

224. *The Governing Body noted with interest the information provided by the ILO Director-General regarding the commitment of the Government of the Bolivarian Republic of Venezuela to include FEDECAMARAS in the future socio-economic dialogue table. The Governing Body expressed the firm expectation that before the 329th Session (March 2017) the Government would take appropriate measures to foster an appropriate environment for social dialogue, which would allow FEDECAMARAS and their member organizations, leaders and affiliated companies, as well as trade unions, to develop their legitimate activities in accordance with the decisions of the supervisory bodies of the ILO regarding Conventions Nos 87, 144 and 26.*
225. *The Governing Body requested the Office to effectively follow up in the adequate implementation of this decision. The Governing Body decided to further defer the decision of setting up a Commission of Inquiry to its 329th Session (March 2017) in light of the information referred to above.*

(GB.328/INS/12(Rev.), paragraph 8, as redrafted in light of the Governing Body discussion.)

Thirteenth item on the agenda

Review of the implementation of the ILO–ISO agreements (GB.328/INS/13)

226. *A representative of the Director-General (DDG/P) said that further delays in the drafting and adoption of the ISO management systems standard on occupational health and safety (ISO 45001) had prevented the completion of the pilot implementation of the ILO–ISO 2013 Agreement and the Office's analysis thereof. At its latest meeting, the provisional consensus reached by the drafters of ISO 45001 related to the Office's high-level comments had continued to be primarily positive. Nonetheless, the requirements of the draft standard, while arguably supporting and respecting several core ILO issues, did not embed some core ILO principles for purposes of certification. For example, while the draft standard recognized that failure to provide training at no cost to workers could be a barrier to worker participation, it did not expressly require that workers should be provided with training at no cost – as required by the Occupational Safety and Health Convention, 1981 (No. 155), and the ILO's *Guidelines on occupational safety and health management systems, ILO–OSH 2001*. In light of the latest delays, the pilot would not be completed in time for the Office to submit an analysis enabling the Governing Body to review the ILO–ISO Agreement by March 2017. Hence, subparagraph (b)(ii) of the draft decision could be amended to read “to submit a document for information to its 329th Session on any significant developments relating to the matter.”. Once the Office knew the results of the final vote on the proposed standard, it would be able to inform the Governing Body of the issues, challenges and options for further ILO–ISO collaboration.*

227. *The Employer spokesperson*, referring to a statement in paragraph 8 of the document under discussion that the Office had participated in ISO meetings on behalf of the ILO as authorized by the Governing Body, pointed out that the International Organisation of Employers (IOE) was also involved in the ISO 45001 process and was not always aligned with the Office's position. As for the ISO's position being inconsistent with the language of the ILO–ISO Agreement, he noted that while progress had been made towards consistency with ILO standards in the ISO 45001 drafting process, one of the fundamentals of ISO work was that it did not link to compliance with legally-binding requirements. The ISO could not be expected to include all of the ILO provisions on OSH in its instrument. The Employers welcomed the absence of financial implications for future work. The Employers' main issue was that ISO standardization on other subjects potentially relevant to labour and social policies was proceeding without the ILO's participation, due to limitations set by the Governing Body; that matters should be assessed and discussed after ISO 45001 had been completed. The Employers' group supported the draft decision, as amended.
228. *The Worker spokesperson* said that the ISO should apply the international labour standards developed through tripartite consensus by the ILO, which was the only standard setting organization for the world of work. While the Workers welcomed the positive outcomes mentioned in paragraph 9, they regretted that the references to the provision of personal protective equipment and occupational health and safety training at no cost to workers and of training during working hours where possible had been incorporated only as notes, which constituted guidelines and not requirements. Her group expected that with input from the ILO, remaining issues related to the extent of the participation of different categories of workers in the occupational safety and health management system would be resolved. The Workers reiterated their concern that the certifiable standard might restrict the ability of union health and safety representatives to have a strong influence at the enterprise level, particularly with regard to risk assessment, where workers' role was essential and further helped to build a mature industrial relations system. Even if a company met ISO 45001 requirements, that did not exclude the possibility that its management system might fall short of national laws. It was important that the ILO continue to participate directly in ISO 45001 in order to avoid conflicts between ISO standards and international labour standards. Any decision on the 2013 Agreement must be based on a detailed analysis and monitoring of its pilot implementation in respect of ISO 45001. The Workers' group endorsed the draft decision as amended by the Office.
229. *Speaking on behalf of the Africa group*, a Government representative of Sudan welcomed the continuation of the pilot implementation and the Office's active participation in the development of ISO 45001. The group appreciated the inherent difficulties and challenges of that process, but stressed that the final version of ISO 45001 must be consistent with international labour standards. He endorsed the draft decision as amended.
230. *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group approved of the Office's efforts to ensure that ISO standards were consistent with international labour standards and therefore supported the conclusions contained in paragraphs 13 and 14. It was open to the proposed amendments to the draft decision.
231. *Speaking on behalf of IMEC*, a Government representative of Italy stressed that the final version of ISO 45001 must be consonant with the provisions of the international labour standards and with OSH principles. Worker participation was essential, as was the provision at no cost to workers of training and personal protective equipment. The Office should continue its participation in the drafting process in the hope of arriving at a more acceptable ISO document. The group supported the draft decision as amended.

232. *A Government representative of India* said that since the ILO had a global mandate for OSH standards, its role in standard setting must be fully recognized and not usurped by any other body prescribing voluntary standards. Her Government supported the draft decision as amended.
233. *The representative of the Director-General (DDG/P)* said that the Office had taken its mandate very seriously and progress had been made in ensuring that ISO's standards respected and supported the provisions of international labour standards, and used international labour standards as the source of reference with respect to ILO issues in case of conflict. The ILO also worked very closely with constituents in the ISO process, by maintaining a dialogue with the ITUC, the IOE, labour ministries and ministries responsible for OSH matters. The Governing Body would be kept apprised of progress.

Decision

234. The Governing Body:

- (a) decided to extend again the pilot implementation of the 2013 Agreement between the International Labour Organization and the International Organization for Standardization (ISO) strictly for the time necessary for the ILO's effective participation in the completion of ISO 45001;*
- (b) would take a decision, at its earliest possible session after final disposition of ISO 45001, on the basis of an analysis conducted by the Office, whether to continue or revise the 2013 Agreement, negotiate a new agreement, or take other necessary action in recognition of the ILO's mandate, and for that purpose requested the Office:*
 - (i) to inform the Officers of the Governing Body of the date of final disposition of ISO 45001 when it was known;*
 - (ii) to submit a document for information to its 329th Session on any significant developments relating to the matter;*
- (c) in the event that the ISO published ISO 45001 prior to the Governing Body's review of the Agreement, authorized its Officers to provide guidance to the Office on the position to be taken in relation to the publication of ISO 45001.*

(GB.328/INS/13, paragraph 15, as amended.)

Fourteenth item on the agenda

Reports of the Committee on Freedom of Association

380th Report **(GB.328/INS/14)**

235. *The Chairperson of the Committee on Freedom of Association* said that the Committee had taken note of 169 pending cases, of which 33 had been examined on their merits. It had issued urgent appeals in Cases Nos 2949 (Swaziland), 3047 (Republic of Korea),

3076 (Republic of Maldives), 3094 (Guatemala), 3127 (Paraguay), 3167 (El Salvador), 3179 (Guatemala), 3180 (Thailand) and 3183 (Burundi); the Governments concerned should transmit their observations by 24 February 2017 so they could be taken into account in the Committee's next examination of the cases. The Committee had been obliged to examine Cases Nos 3067 (Democratic Republic of the Congo) and 3081 (Liberia) without the benefit of information that could have been provided by the Governments in question; he had recently met with the Government representative of Liberia to raise concerns about the lack of cooperation with the Committee's procedures and the latest allegations, which referred to retaliation against the complainant for submitting the complaint. The Committee had decided to have recourse to paragraph 69 of its procedures in Case No. 3067 (Democratic Republic of the Congo); the Government of that country had therefore been invited to come before the Committee at the Governing Body session in March 2017. The Committee had examined nine cases in which governments had informed it of measures taken to give effect to its recommendations. It had noted with interest that in a 2015 decision, the Supreme Court of Canada had declared that the Saskatchewan Public Service Act (2008) was contrary to the Canadian Charter of Rights and Freedoms with regard to the right to strike and that the Act had subsequently been amended.

236. The Committee was still awaiting the results of independent investigations and judicial decisions identifying those responsible for the murder of trade unionists in Case No. 2318 (Cambodia). It had noted the establishment of an inter-ministerial commission and a tripartite working group so that workers' and employers' organizations could provide information on the investigation and feedback on its findings and said that it expected to see the impact of that process in the near future. In the second case involving Cambodia (Case No. 3121), the Committee had expressed concern regarding the use of military force on striking workers, noted the establishment of a number of committees to investigate those incidents and urged the Government to provide information on the outcome of the investigations without delay.
237. In Cases Nos 2761 and 3074, involving allegations of violence against, and murders of, trade unionists in Colombia, the Committee had urged the Government to continue to take all measures necessary to ensure that those responsible were brought to justice and requested it to facilitate an inter-institutional evaluation of the investigation strategies used by the public authorities, provide information on the functioning of the tripartite mechanism established in 2012 and maintain its efforts to ensure the safety of trade union leaders and members.
238. In Case No. 2508 concerning the Islamic Republic of Iran, the Committee had noted with concern the new allegations of arrests and imprisonment and had urged the Government to carry out independent investigations into allegations of ill-treatment of prisoners; secure the definitive release of Mr Reza Shahabi; ensure that the charges against Mr Jafar Azimzadeh were dropped; provide detailed information on the arrest and detention of, and charges against, various other workers and members of the Follow-up Committee to Pursue the Establishment of Workers' Organizations; and engage with the Office with a view to receiving technical assistance with legislative review. In Case No. 2566, also involving the Islamic Republic of Iran, the Committee had expressed concern at the new information provided by the complainant and requested the Government to ensure that the charges against trade unionists who had participated in peaceful demonstrations and engaged in legitimate trade union activities were dropped and that the detained workers were released and fully compensated for any damages suffered. It had condemned the execution of trade unionist, Farzad Kamangar, in May 2010 and the fact that the Government had ignored its previous recommendations concerning him. In view of its lateness, the Committee would examine the most recent information received from the Government when it next considered the case.

239. Lastly, in Case No. 3185, concerning the failure to investigate the extrajudicial killing of three trade union leaders in the Philippines and to bring the perpetrators to justice, the Committee had noted the Government's efforts to combat impunity and requested it to keep the Committee informed of steps taken to ensure a climate of justice and security for trade unionists and to provide specific information on the establishment of the Tripartite Validating Team for the case, its functioning and the outcome of its work. The Committee expected the Government to ensure that the guilty were identified and brought to justice in order to prevent the repetition of such acts.
240. *The Employer spokesperson* said that the number of cases brought before the CFA continued to rise. A different approach might be needed to encourage a more geographically balanced distribution of complaints, given that 26 of the 30 new cases brought before the CFA between May and November 2016 had come from Latin America and an average of 60 per cent of complaints originated from the region. He was in favour of the national mechanism in use, the Special Committee for the Settlement of Disputes referred to the ILO; another alternative would be to undertake an evaluation of the complaints receivability criteria. He highlighted the positive role of the tripartite subcommittee, whose work improved the efficiency and transparency of the CFA. He proposed that "cold cases" for which the CFA had not received responses from governments or complainants for many years should be made public in the following Committee report, with the request that the parties send up-to-date information before a set deadline, failing which the cases would be considered closed. He stressed the fundamental importance of discussing the CFA's working methods, which a heavy workload had rendered impossible on that occasion. Regarding the naming of enterprises in CFA reports, he said that while complaints related to specific issues, decisions should provide public authorities with guidance concerning changes to legislation and practice and should not address matters pertaining to national supervisory bodies. It was very important for Governments to understand how and when cases were declared closed. It was also important for Governments and the social partners to have clarity regarding the criteria used when cases were addressed together, and for there to be a clear indication in NORMLEX when there was a joint report. The number of serious and urgent cases before the Committee was higher than average. A matter which remained a concern and which should be discussed at a future CFA meeting, was the use of short-term contracts to deliberately obstruct the formation of trade unions, as mentioned in Case No. 3164 (Thailand). He supported the recommendations in the report and its approval by the Governing Body.
241. *The Worker spokesperson* said that at the current meeting the Committee had examined three cases from trade unions in Asia on violations of freedom of association in the textile and garment industry: Cases Nos 3121 (Cambodia), 3124 (Indonesia) and 3125 (India). The complaints were particularly alarming, given the importance of those key sectors in the region, and highlighted the importance of governments and supply chains taking responsibility and of the ILO promoting freedom of association. He drew the Governing Body's attention to the eight serious and urgent cases referred to in paragraph 5. He reiterated the call for Governments to supply requested information by the stated deadline. Regarding Case No. 3076 (Democratic Republic of the Congo), it was not acceptable that the Government had not responded to several requests from the Committee regarding numerous complaints and he expected the Government to present itself before the Committee at its March 2017 meeting. The Government of Bahrain had still not requested technical assistance, despite its commitment in the 2012 tripartite agreement to work on the possibility of ratifying Conventions Nos 87 and 98 and to bring the Trade Union Act into conformity with freedom of association principles. Regarding Case No. 3184 (China), the Committee had noted that many provisions of trade union law in China were contrary to the fundamental principles of freedom of association and had requested that the Government take necessary steps to modify the relevant laws, but violations of freedom of association continued to be committed. Workers' right to strike and taking part in picketing and peacefully inciting other

workers to strike could not be considered unlawful. Case No. 3093 (Spain) concerned the alleged targeting of trade unions, by using a law on coercion to imprison people who were involved in picketing action for a longer minimum period of time, rather than convict them under a more specific and relevant labour law which carried a lower minimum sentence. The case was a clear violation of compliance with the principles of freedom of association. Cases Nos 3081 (Liberia) and 3113 (Somalia) were matters of grave concern and he urged the respective Governments to avail themselves of ILO technical assistance. He supported the draft decision.

242. *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Argentina, Dominican Republic, Japan, Kenya, Romania and Spain, the Government member from Spain reiterated the commitment of the experts to the smooth operation of the supervisory system and to the principles enshrined in the Conventions. He said that there were currently delays affecting the resolution of a large number of cases before the Committee. Wherever possible and appropriate, national judicial or extrajudicial conciliation mechanisms should be used to deal with cases related to freedom of association. The number of meetings of the CFA should be increased to reflect the high caseload. In order to assist the tripartite constituents in their efforts in that regard and in view of the fact that many cases were from Spanish-speaking countries, the Office should address the issue of the low number of officials in the International Labour Standards Department (NORMES) dealing with Spanish-language cases. The recommendations of the Committee were prepared with guidance in mind, did not constitute a sanction and were put forward with a view to promoting cooperation and inclusive tripartite dialogue. It was vital that Governments should submit their observations and reports in a timely manner, in order to facilitate the fact-finding work of the Committee and ensure that conflicts were effectively resolved.
243. *Speaking on behalf of GRULAC*, a Government representative of Panama said that more than half of the cases dealt with by the CFA, and 90 per cent of the 30 new cases recently submitted to the Committee originated from Latin America and the Caribbean. The number of cases from that region continued to increase as part of a trend that undermined the criterion of geographical proportionality within the supervisory bodies and could affect the system as a whole. The countries of Latin America and the Caribbean had achieved one of the highest rates of ratification of ILO Conventions and GRULAC was utterly committed to freedom of association and the right to organize in a framework of tripartite social dialogue, and would continue to ensure that workers' and employers' organizations were able to fully exercise their rights. GRULAC welcomed the setting up, on a temporary basis, of a CFA subcommittee responsible for carrying out a preliminary review of existing cases and preparing a list of those requiring immediate action, while ensuring balanced geographical distribution. In the event that the CFA subcommittee was made a permanent fixture, all of its decisions should be ratified by the plenary of the CFA. Likewise, the CFA should be informed of and take into account good practices at the national level, in particular those related to conflict resolution in tripartite bodies. Governments and the social partners had made significant efforts with regard to promoting such domestic mechanisms. Consequently, the CFA should only be asked to examine those cases where no agreement had been reached at the national level or where there had been a failure to comply with such an agreement. The Committee must ensure consistency regarding the classification and status of cases and the length of time for which Governments must continue to report before a case was deemed to be closed. Constituents must be clearly informed of whether cases were dormant, whether shelved or closed cases could be further examined or whether, on receiving information related to a shelved case, the Committee was required to open a new case or simply to take note of that information and inform the submitting party that the case had been shelved or closed and was no longer being examined.

244. *A Government representative of China* said that, although the Government of China had thoroughly investigated the allegations related to Case No. 3184 and had submitted its responses to the ILO in a timely fashion, it would carry out further enquiries in that regard and keep the CFA informed of any developments. The case in question involved a number of individuals who had been convicted of criminal and public order offences by the competent legal authorities. As the matter was unrelated to the protection of workers' rights, it should not be dealt with as a freedom of association case. The right to freedom of association was guaranteed in China; however, when exercising that right, workers and their organizations must comply with national laws. The Government of China had worked with trade unions and employers' organizations to develop labour rights and ensure inclusive economic growth. A huge number of collective agreements had been signed and a social security system had been set up covering both rural and urban areas. Thanks, in part, to the work of their trade unions, Chinese workers had received significant wage increases over the previous few years.

Decision

245. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–86, and adopted the recommendations made in paragraphs: 98 (Case No. 2882: Bahrain); 117 (Case No. 2318: Cambodia); 142 (Case No. 3121: Cambodia); 162 (Case No. 3134: Cameroon); 192 (Case No. 3108: Chile); 243 (Case No. 3184: China); 274 (Cases Nos 2761 and 3074: Colombia); 304 (Case No. 2958: Colombia); 331 (Case No. 3097: Colombia); 348 (Case No. 3067: Democratic Republic of the Congo); 372 (Case No. 3138: Republic of Korea); 399 (Case No. 3130: Croatia); 408 (Case No. 2957: El Salvador); 444 (Case No. 3154: El Salvador); 511 (Case No. 3093: Spain); 527 (Case No. 2203: Guatemala); 542 (Case No. 3035: Guatemala); 561 (Case No. 3125: India); 589 (Case No. 3124: Indonesia); 634 (Case No. 3176: Indonesia); 683 (Case No. 2508: Islamic Republic of Iran); 696 (Case No. 3081: Liberia); 724 (Case No. 3126: Malaysia); 766 (Case No. 3153: Mauritius); 795 (Case No. 3106: Panama); 810 (Case No. 3132: Peru); 858 (Case No. 3185: Philippines); 897 (Case No. 3182: Romania); 935 (Case No. 3113: Somalia); 976 (Case No. 3109: Switzerland); 1064 (Case No. 3164: Thailand); 1075 (Case No. 3059: Bolivarian Republic of Venezuela), and adopted the 380th Report of its Committee on Freedom of Association as a whole.*

(GB.328/INS/14.)

Fifteenth item on the agenda

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

Report of the 79th Session of the Board of the Centre (Turin, 27–28 October 2016) ([GB.328/INS/15](#))

246. *The Worker spokesperson* said that the report was a true reflection of the Board meeting. Oversight was somewhat challenging as, owing to financial constraints, the Board met only

once yearly. Social partners' participation in training had improved, but was still low, including women's participation. Concerning sustainable funding, budgeting should be distributed fairly to cover all outcomes. Furthermore, planning and delivering training could not rely solely on the budget surplus, which was a concern for the workers' programme. The Board's decision to conduct rotating evaluations had been confirmed; the following year's evaluation should be of international labour standards as a cross-cutting issue. Lastly, the Board appreciated the agreement between the staff union and management of the Centre on project-based staff; an information note would be provided at the next Board meeting.

247. *The Employer spokesperson* concurred with the Workers that funding must not rely on a budget surplus. At least two additional human resources were required in ACT/EMP Turin. He concurred with the need to increase participation. The objective evaluation on strengthening employers' organizations had gone exceptionally well and confirmed that the programme should be supported. Lastly, he welcomed the positive atmosphere at the Turin Centre created by the new Director.
248. *Speaking on behalf of the Government group of the Board*, a Government representative of the United Arab Emirates said that the Turin Centre was accomplishing great work in providing quality, impactful training to constituents and improving ILO collaboration with other actors. Its work would be further expanded to facilitate integration of ILO priorities into the 2030 Agenda. An expansion of the PhD and Master's programmes was welcome, as that would increase partnership and networking with UN system organizations, academia and other development actors. The Government group of the Board welcomed the Centre's efforts to diversify income, and fully supported its Strategic Plan and Programme for 2016–17. He noted the need to diversify participation at the Centre from different geographical regions. It was crucial for the Centre to be involved in the main programming processes of the ILO, and the group looked forward to further strengthening coordination of resource mobilization efforts.
249. *A Government representative of Italy* said that the Centre should align its new plan and four-year strategic framework with the priorities in the ILO Programme and Budget for 2018–19 and the Strategic Plan for 2018–21. It was important to continue seeking long-term sustainability by diversifying the Centre's income basis by reaching out to other member States and non-traditional donors. His Government would continue to support the Centre.
250. *A representative of the Director-General* (Director of the International Training Centre of the ILO) thanked the Italian Government and other international bodies for their financial and administrative support. All of the comments, suggestions and concerns of the constituents would be taken into account in the future work of the Centre. Management and staff would work hard to increase the participation of ILO constituents in training programmes, to mobilize resources to further develop programmes and to enhance the quality of training through evaluations and other innovative approaches.

Outcome

251. *The Governing Body took note of the report contained in document GB.328/INS/15.*

(GB.328/INS/15.)

Sixteenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference

Oral report of the Chairperson of the Working Party (GB.328/INS/16)

252. *Speaking on behalf of ASPAG*, a Government representative of Australia expressed appreciation for the Working Party's progress in reforming the functioning of the Governing Body and the International Labour Conference, in particular the amendments to the Standing Orders and time-saving measures. However, the two-week duration had led to some sittings lasting into the early morning, which was not sustainable. That could be remedied by imposing strict time limits on speakers, establishing a more structured amendments process and appropriate chairing. Delegates had appreciated the mobile app; it was important that it should provide the same information at the same time as the website. She encouraged groups to identify their preferred chairpersons for Conference committees by the March session of the Governing Body to assist the Office and help committees to run more smoothly. ASPAG supported IMEC's suggestion to extend the 106th Session of the Conference into the Saturday morning to allow for the Governing Body elections to be held, but would not support that extension for further meetings.
253. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe said that paragraph 11 of the Chairperson's report did not reflect her group's request that the rules governing Regional Meetings should be amended and that the 2019 African Regional Meeting should be held under new rules. She requested that a proposal for amending the rules on the composition of Regional Meetings be included in the document to be discussed at the March 2017 session of the Governing Body.
254. *A representative of the Director-General (DDG/MR)* said that the Office would take into account the various comments and suggestions on both the composition and the reform of Regional Meetings, including the issues raised by the Africa group in the Working Party, in the preparation for the consultations leading up to the March session of the Governing Body and for the consideration of the Working Party.

Decisions

Improving the functioning of the International Labour Conference

Analysis of the 105th Session (June 2016)

255. ***Following the discussion and lessons learned from the 105th Session of the Conference (2016) in its Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body decided to:***
- (a) continue to explore further improvements which could be trialled or implemented at future sessions of the Conference;***

- (b) request the Director-General to prepare for its consideration at the 329th Session (March 2017) a detailed plan of work for the 106th Session of the Conference (2017) based on a two-week format.*

(GB.328/INS/16, paragraph 5.)

Comprehensive review of the Standing Orders
of the International Labour Conference

256. The Governing Body requested the Office:

- (a) to review and report to its 329th Session (March 2017), in light of the discussion of the Working Party, on a first set of amendments to the Standing Orders of the Conference, contained in the appendix to document GB.328/WP/GBC/1/1. These amendments were aimed at ensuring the effective functioning of the International Labour Conference in its reduced two-week format;*
- (b) to informally consult with all groups on a revised first set of amendments before publishing the official Governing Body document submitted to the 329th Session (March 2017);*
- (c) to consult on additional draft amendments for simplification and modernization of the Standing Orders of the Conference, taking into account the views expressed and guidance provided during the discussion, for consideration by the Governing Body at its 331st Session (November 2017).*

(GB.328/INS/16, paragraph 9.)

Review of the role and functioning of the Regional Meetings

- 257. The Governing Body requested the Office to prepare for its 329th Session (March 2017) a consolidated report on the reform of Regional Meetings, taking account of the issues identified during the discussion held in the Working Party, together with recommendations for improvements in those areas.**

(GB.328/INS/16, paragraph 13.)

Seventeenth item on the agenda

Report of the Director-General

([GB.328/INS/17\(Rev.\)](#) and [GB.328/INS/17\(Add.\)](#))

Obituaries

Mr Jorge de Regil

- 258. The Employer spokesperson** said that Mr de Regil had been open about his illness and so the news had come as no surprise. It had, however, been the source of great sadness, and the loss of Mr de Regil would be felt by all. Mr de Regil had been unquestionably committed to

his work and had contributed extensively at the CFA. As an engaged defender of employers' rights, he was an excellent ambassador for his region and his country, and, even in illness, his unwavering sense of duty brought him frequently to Geneva.

259. *An Employer member from Mexico* said that while he was sad to hear of the loss of a friend, Mr de Regil's death was also an opportunity to pay tribute to his work and personal qualities. He had been an exceptional son and husband who had recently lost his wife, leaving three daughters and many nieces and nephews. He would be remembered for his eloquence and his other qualities, such as friendship, intelligence and passion. His memory was an incentive to create a better world.
260. *A Worker member from Argentina* said that Mr de Regil had been one of the leaders in the effort to achieve universal social justice and had helped to build social dialogue in the region. He had been an Employers' delegate at the International Labour Conference for over 40 years and, on two occasions, had served as Employer spokesperson and Employer Vice-Chairperson. He had also been an active member of the CFA.
261. *A Government representative of Mexico* said that Mr de Regil had distinguished himself by his ability to build and strengthen institutions. He had not only supported tripartism but, owing to his human qualities, had defended both workers and employers. He had been a universal man and a principled friend of the Organization. His absence would be felt by all, but Mexico was proud to have cradled an individual who had done so much for the ILO.

Ms Helen Kelly

262. *The Worker spokesperson* said that Ms Kelly had been a current and active member of the Governing Body. Not only had she been an integral part of the trade union family, but she had also come from a trade union family, as her parents, active campaigners, had often organized meetings at the family home. As well as becoming the first woman president of the New Zealand Council of Trade Unions in 2008, she had contributed to changing the role and perception of trade unions in the country. She acted from a deep compassion for individuals and families affected by injustice; she worked with people rather than for them. Her sense of humour and passion had earned her great support, and she had always put her talents and skills to the service of others.
263. *An Employer member from New Zealand* said that Ms Kelly had been his counterpart in New Zealand for many years and that he had also known and negotiated with her father. His friendship with Ms Kelly had endured difficult negotiations and disagreement and had contributed to the ease and success of their work at the International Labour Conference. She had been a fierce warrior for the disadvantaged and a passionate advocate for social justice.
264. *A Government representative of Australia, speaking on behalf of Australia and New Zealand*, said that Ms Kelly was a passionate representative of the New Zealand trade union movement and a strong advocate of labour rights. Despite her illness, she had contributed significantly to the work of the movement and of the ILO. She would be greatly missed by all who had known and worked with her.
265. *The Director-General* said that the particular circumstances, that is, the deaths of two serving members of the Governing Body, called him to break custom and intervene under the agenda item. In their own ways, both Mr de Regil and Ms Kelly had made enormous contributions to the ILO, defending the causes for which they stood. While Mr de Regil had been a member of the Governing Body for nearly 30 years, Ms Kelly had only begun her work there in 2008 but had made an extraordinary impact in that short space of time. It was, however, their exceptional personal qualities that were salient in his mind. Mr de Regil had been possessed

of an acute legal mind and a penetrating capacity to defend his causes of choice, both of which complemented his excellent companionship. Ms Kelly would be remembered for her innate passion which was reflected in both her personality and her work.

Ms Nair Goulart

266. The Governing Body paid tribute to Ms Goulart and requested the Director-General to convey its sympathy to her family, to Força Sindical and to the ITUC.

Mr Leonid Alekseievitch Kostine

267. The Governing Body paid tribute to Mr Kostine and requested the Director-General to convey its sympathy to his family and to the Government of the Russian Federation.

Decision

268. *The Governing Body invited the Director-General to convey its condolences to the family of Mr de Regil and to the Mexican Confederation of Chambers of Industry (CONCAMIN); to the family of Ms Goulart, to Força Sindical and to the ITUC; to the family of Ms Kelly and to the New Zealand Council of Trade Unions (NZCTU); to the family of Mr Kostine and to the Government of the Russian Federation.*

(GB.328/INS/17(Rev.), paragraphs 6, 10 and 15; GB.328/INS/17(Add.), paragraph 5.)

First Supplementary Report: Update on the internal reform ([GB.328/INS/17/1](#))

269. *The Employer spokesperson* said that the results presented in the report were extremely welcomed and necessary. Regarding the policy of continuous improvement, breaking down internal silos and improving communications had been important, but the process had not yet ended. The redeployment of resources should continue on a larger scale and include more employer specialists because they were important to governments that were seeking information and advice on how to formulate policies and move forward. Additional impetus to expand and improve partnerships would be a key driver of success and would improve and reinforce the ILO's credibility. The new flagship programmes for development cooperation should be carefully designed, as they have important policy implications. The involvement of tripartite constituents through their advisory committees should be carefully thought out. Private-sector engagement was extremely important, a coherent internal approach was required to work efficiently with companies, and the role of ACT/EMP as a central point should be strengthened.
270. *The Worker spokesperson* noted with appreciation the many achievements and the efforts made during the reform process to engage constructively with the Staff Union. The strengthening of the Office's statistical, research and analytical capacities was welcome, as it positioned the ILO as the likely custodian of 13 indicators under the SDGs. This offered a unique opportunity to ensure that decent work in all four dimensions was recognized by the UN and implemented at country level. He supported the strengthening of dialogue with other agencies, the UN system, the G20 and other forums with a view to promoting the added value of ILO international labour standards and tripartism. Regarding staff policies, efforts should focus on creating a committed global team with a stable employment relationship.

Recognizing staff as international public servants was key to achieving the “One ILO” concept. He supported the streamlining of the administrative processes and agreed that an emphasis should be placed on solving the policy issues presented by constituents and reducing bureaucratic procedures. The delivery of the reform should not be seen as a way to simply cut costs, but to reassert the sense of collective responsibility to the ILO’s mandate of all delegates and Office staff. The centenary should be used to move to a consolidation of processes and resource allocation to the ILO’s essential functions.

- 271.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that the Office and its staff were to be congratulated on the substantial advances made on internal reform. Additional efforts had been made to progress regarding elements such as communications and the “One ILO” concept. Further reports on that work would be welcome, as would additional information on actions taken under the ILO Field Operations and Structure and Technical Cooperation Review, including any outcomes, savings and benefits realized. It was important for the Office to continue to measure the impact of the reform initiative and to report to the Governing Body beyond the end of the reform process, in particular on any further related financial savings and efficiencies. He reiterated his proposal for an external evaluation of the implementation of the reform package to be carried out. Future reports on the delivery of the policy of continuous improvement would be very useful. The policy was vital in ensuring that the Organization kept up with or spearheaded the reform of the UN system, increased its influence and raised its international profile.
- 272.** *A representative of the Director-General (DDG/MR)* said that the Office had moved from a programme of reform to a system of continuous improvement. As reflected in the Business Process Review project currently under way, work on all of the administrative functions, both at headquarters and in the field, was ongoing. By the end of 2016, six departments would have been reviewed. Improvements of around 20 per cent had been found as a part of that process and it was expected that a similar outcome would be achieved in other areas as the review progressed. Changes were being implemented with the involvement of, and in consultation with, ILO staff and their Staff Union representatives. Efforts were ongoing to make savings through the transfer of positions, from administrative and backroom work through to the frontline. A range of measures relating to workforce planning was being developed, which would take advantage of natural attrition through retirement, and include retraining, reskilling and skills re-profiling. Work on the reform of field operations and structure would continue and implementation of the Business Process Review in the field would commence in the Asia and the Pacific region in early 2017, building on structural changes made in 2013–14 and focusing on making local operations as effective and efficient as possible. With the support of the Governing Body, funds would be channelled toward continuous improvement for the delivery of services to the tripartite constituents as a matter of priority.

Outcome

- 273.** *The Governing Body took note of the report contained in document GB.328/INS/17/1.*

(GB.328/INS/17/1.)

Second Supplementary Report: Follow-up to the ILO Centenary Initiatives (GB.328/INS/17/2)

274. *The Employer spokesperson* said that his group supported the areas of work proposed for the 2016–19 period under the Green Initiative and considered that constituents should be involved in their design and implementation. Regarding the Women at Work Initiative, it was hoped that the ILO would adopt a more ambitious approach towards the integration of women into the labour market. In addition to the actions identified in the report it would be important to develop a determined and comprehensive programme based on research and the identification of relevant practical experiences, which went beyond a summary report on the ILO's actions to date, and which led to a more substantial input for the global event on women at work scheduled for 2018.
275. The Future of Work Initiative should be ambitious in its approach and avoid repeating well-known knowledge or defending the status quo. Otherwise, it would be a waste of time and money and a missed opportunity for all. The ILO must demonstrate that the future of work offered new opportunities. Earlier industrial revolutions had led to more and better jobs, and there was no reason that the current one should not do the same. The Initiative would need to be accompanied by the introduction and development of social protection floors, intensified education and training opportunities, and continued development of international trade, approached with pragmatism and ambition. Describing the future of work as a problem would only prevent the reaping of potential benefits. Concerning the High-Level Global Commission on the Future of Work, the Employers would soon be ready to provide a first substantial written input. He supported the draft decision.
276. *The Worker spokesperson*, commenting on the End to Poverty Initiative, said that the mainstreaming of decent work into the 2030 Agenda would require a well-equipped ILO capable of providing constituents with integrated and rights-based policy advice on inclusive growth and decent work. In fulfilling its responsibilities under Goal 8, on decent work and economic growth, the ILO should focus on an integrated macroeconomic framework that could deliver decent work, including through distributive policies, and should ensure that international labour standards and tripartism were mainstreamed into implementation. While the private sector had a role to play, a greater focus on quality public services was necessary. Rather than incorporating the SDGs, the DWCPs should contribute to their achievement and include more targeted objectives on ending poverty.
277. Regarding the Green Initiative, the Office should ensure full involvement of the social partners through social dialogue when promoting strategies for a just transition; skills upgrading would allow workers to move to new green jobs. The main challenge was to ensure policy coherence and an integrated approach to both environmental and social concerns. The Office should address the issues listed in paragraph 12 of the report in a holistic manner. Knowledge base should be improved in relation to working conditions in green jobs. More work was needed on international labour standards and the protection of standards. The Office should focus on how existing ILO standards could support a just transition towards environmentally sustainable economies and societies for all. The annex to the *Guidelines for a just transition toward environmentally sustainable economies and societies for all* provided a useful list in that regard. It was important to identify OSH challenges in new green jobs and to determine whether existing international labour standards covered the associated risks. Particular attention should be paid to the energy and construction sectors with a focus on asbestos removal. The ILO green jobs network should include representatives and focal points from all departments and regions.

278. Concerning the Women at Work Initiative, the report should have mentioned the need to achieve universal ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and to increase significantly the ratification rates of the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183). Advocacy should focus on the development of a new standard on violence against women and men in the world of work. The Office should promote further work on non-standard forms of employment based on the conclusions of the 2015 tripartite Meeting of Experts on Non-Standard Forms of Employment and the 2015 conclusions concerning the recurrent discussion on social protection (labour protection) in light of the high number of women employed in these work arrangements. The Office should also do more work to encourage the inclusion of women in collective bargaining teams. Many of the future events mentioned in the document would be held in North America or northern Europe; other regions should be included. In addition to surveys, campaigns and events, the Initiative should focus on substantive issues and identify strategies for overcoming barriers to women's equality. A strong link to the Future of Work Initiative was needed. Any Centenary Declaration should address the issues of gender equality and non-discrimination. Once established, the Global Commission on the Future of Work would require a dedicated team to support constituents and experts and greater efforts to develop national, regional and subregional dialogue and integrate it into global processes.
279. The involvement of outside parties should not dilute the ILO's mandate but should strengthen tripartite dialogue. The process will have to be constituent-driven, particularly in the case of national tripartite conversations and subregional, regional and global events. Constituents, academics, and civil and political actors should consider how to equip the ILO to deliver on social justice and avoid a mere technological approach. In preparation for the 2019 centenary, the Selection Committee could hold a preliminary exchange of views at the 107th Session of the Conference (2018). More time was required before deciding how to examine the report of the Global Commission at the 108th Session (2019); a single committee would offer better guarantees of consistency than dividing the discussion between technical committees and increase the likelihood of consensus. A discussion in plenary may not allow for an in-depth discussion required to achieve consensus on a text. However, further reflection as to the various options was required so as to take an informed decision in due course. He supported the draft decision.
280. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that the Green Initiative was especially important for the Africa group as rain-fed agriculture, which accounted for more than 90 per cent of Africa's agricultural production, would be significantly reduced by climate change if no action was taken. He welcomed the increased efforts of the Office including its *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. It was to be hoped that the decisions taken at the 22nd Session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change (COP 22) and the 12th Session of the Conference of the Parties serving as the Meeting of the Parties to the 1997 Kyoto Protocol (CMP 12), to be held in Marrakech from 7 to 18 November 2016, would speed up the response to the challenges identified in the Paris Agreement on Climate Change.
281. His group attached great importance to reducing the gender inequality gap. Africa had the world's highest poverty rates for employed youth. That challenge must be addressed as part of the Future of Work Initiative, taking due account of the ten-year review of the 2004 Ouagadougou Summit and the African Union's Agenda 2063. Future updates should include disaggregated information on implementation of the Initiatives in the various regions. His group supported the draft decision.

282. *Speaking on behalf of IMEC*, a Government representative of Canada said that the results of the tripartite national dialogues should provide important input for the work of the Global Commission, which would raise the visibility of the ILO's work. Its members should bring different views and policy perspectives to the table, offer experience from different regions of the world and represent both global and local concerns. The Office should provide information on its plans in that regard. It would be useful to know when and where the symposium on the future of work, mentioned in paragraph 23, would be held, who would participate and how the event would relate to other ongoing work. Any Centenary Declaration should have a relevance and gravitas comparable to those of the ILO Constitution, the Declaration of Philadelphia, the Declaration on Fundamental Principles and Rights at Work and its Follow-up, and the Social Justice Declaration.
283. IMEC attached great importance to the Standards Initiative and was pleased that the Green Initiative and the Women at Work Initiative included plans for implementation that were reflected in the draft Programme and Budget for 2018–19. More information on progress in the development of a scientific network on the future of work would be appreciated. The gap in funding for implementation of the Future of Work Initiative was a source of concern, and clarification of the funding issue would be welcome. IMEC supported devoting the 108th Session of the International Labour Conference (2019) to the future of work, but considered that it would be premature to discuss the topic at the 107th Session of the Conference (2018).
284. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and Georgia. Those countries were confident that the Centenary Initiatives, which had been proposed by the Director-General at a time of crisis in the standards supervision system, would carry the ILO forward to its centenary well-equipped and committed to its original mandate.
285. The Future of Work Initiative was central to the ILO's objectives; the challenge was to move from the enthusiastic initial stage to the more focused later stages of its implementation without losing substance and engagement or pre-empting discussion at the 108th Session of the International Labour Conference in 2019. Three elements were critical to the Initiative's success: the development of regional approaches; an analytical synthesis of the initial outcomes under the Office's leadership; and the establishment of an efficient Global Commission on the Future of Work with clear terms of reference. The German presidency of the G20 in 2017 and the planned ILO symposium on the future of work offered opportunities to expand engagement beyond the tripartite constituents.
286. She welcomed the Office's proposals for giving new impetus to the Women at Work Initiative (paragraph 17) and emphasized the importance of fostering the engagement of tripartite constituents in concrete action to realize equality of opportunities, treatment and income. With regard to the Green Initiative, the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* would inform the preparations for the entry into force of the Paris Agreement on Climate Change. The Green Initiative and the End to Poverty Initiative should be more closely linked as they were key to the ILO's contribution to implementation of the 2030 Agenda.
287. *A Government representative of Argentina* said that his Government had held two high-level tripartite meetings on issues mentioned in the report and was preparing two more that would be held before the end of 2016. Their outcomes would be placed at the disposal of the Office. Further guidance on implementation of the Centenary Initiatives with a view to progress towards the SDGs, and particularly Goal 8, would be appreciated. He agreed that the Future of Work Initiative might require further examination at a Conference session in advance of 2019 (paragraph 26).

288. *The Director-General* said that while the Centenary Initiatives were complex, varied and different, they were core drivers of the Organization's work. While most of them had a clear identity and anticipated result, others required clarification. The future direction of the Green Initiative would be fundamentally affected by the decision on the possible addition of a new cross-cutting policy driver on environmental sustainability and by the agendas of future sessions of the International Labour Conference; similarly, the Women at Work Initiative would be affected by the Conference discussion on violence at work. The fundamental instruments in the areas of gender equality and non-discrimination had underpinned the work of the Organization for many decades, and the goal of the Initiative was to break new ground through innovative activities to target obstacles to equality that had not previously been identified or had been insufficiently addressed. With regard to the Future of Work Initiative, the transition from national dialogues to the establishment of the Global Commission on the Future of Work and from the Global Commission to the discussion at the 108th Session of the International Labour Conference in 2019 was an extremely complex task. Constituents had established their own agendas for the national dialogues, and the Office would now ensure that their outputs were captured, analysed and supplemented with further research so that the Commission would have a menu of key issues on which to work. The formal launching of the Global Commission could be realistically anticipated for mid-2017. The Commission had to be a high-level endeavour and its members must represent a balance of geographical regions and disciplines; at the same time insight, knowledge and multidisciplinary inputs were also required. There would be a strong tripartite presence in the Commission, although not exclusively so, and the Governing Body might wish to consider the example of the World Commission on the Social Dimension of Globalization, which had been co-chaired by two Heads of State. In the transition from the work of the Commission to the 108th Session of the International Labour Conference (2019), it was important to consider how best to organize the work of that Conference and whether a Centenary Declaration was needed; if so, it should be an ambitious instrument and the bar should be set very high. He suggested that there could be consultations and that such matters could be considered in the 329th Session of the Governing Body in March 2017.
289. *A representative of the Director-General* (DDG/P) said the symposium on the future of work, which the Office planned to hold in April 2017, would provide an opportunity for an in-depth exchange of views among experts drawn from various disciplines and selected with gender and regional balance in mind. The goal was to develop a comprehensive knowledge base that would help the High-Level Global Commission to recommend policies and provide the Office with direction. The symposium would be organized around the four "centenary conversations" on, respectively, work and society, decent jobs for all, the organization of work and production and the governance of work as outlined by Director-General in his 2015 Report to the International Labour Conference. Discussions at the event would cover issues such as the history and evolution of the meaning of work, changes in the organization of production, the creation of new and disappearance of existing jobs, changes in the employment relationship, the future of decent work for all and policies related to the governance of work.
290. *A representative of the Director-General* (Special Adviser to the Director-General on the Future of Work Initiative) said that the scientific network on the future of work would provide a flexible tool that would allow the tripartite constituents and the Office to benefit from existing research on the changing world of work while encouraging innovative research. The network would bring together universities from across the world and would highlight the "convening power" of the Organization. The goal was to complement tripartite discussion in the ILO and research carried out by the Office by establishing linkages with and among institutions and among researchers. In addition the Office would invite specific contributions, to be submitted in 2017.

Decision**291. The Governing Body requested the Director-General:**

- *to take account of its guidance with regard to the Centenary Initiatives, and to facilitate the strong involvement of constituents in their implementation;*
- *to submit a report on progress at its 331st Session (November 2017).*

(GB.328/INS/17/2, paragraph 27.)

Third Supplementary Report: Outcome of the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market

(Geneva, 5–7 July 2016)

([GB.328/INS/17/3\(Rev.\)](#))

292. *The Employer spokesperson* said that his group supported the ILO’s interventions to promote access to labour markets for national and refugee workers. To that end, Member States should consider removing or relaxing restrictions on refugees’ access to the labour market. His group agreed with the analysis of the requisite employment strategies contained in the document and supported the proposed additional pathways for labour mobility. It was wise to make the guiding principles voluntary and non-binding in view the concerns of countries hosting large numbers of refugees. Decent work opportunities had to be made available to everyone. Member States should share the responsibilities of hosting large numbers of refugees more equitably. The Employers endorsed the draft decision.

293. *The Worker spokesperson* said that the guiding principles laid the basis for a collective response to the global refugee crisis by suggesting labour market responses to the unprecedented number of people fleeing conflict and persecution. They provided a common framework for national policies that took account of very different national realities and capacities. However, policies on the hosting of refugees and their access to the labour market should always be based on respect for international norms and standards, since integration implied the fulfilment of basic human rights. Ensuring that labour market integration of refugees and other displaced persons was based on equal treatment and non-discrimination was essential to avoid exploitation and securing decent work. Efforts had to be made to provide short-term solutions while working on long-term programmes to address the root causes of the current crisis in a sustainable manner and grant decent work opportunities in origin and destination countries. The Workers therefore supported the draft decision.

294. *Speaking on behalf of ASPAG*, a Government representative of Pakistan said that many developing countries which were bearing the brunt of hosting large numbers of refugees felt that their views and concerns had not been adequately reflected in the ILO’s work. His group therefore proposed that subparagraph (b) of the draft decision should be amended to read: “while taking into account the viewpoints and positions expressed by States hosting large numbers of refugees.”. His group could support the draft decision if so amended.

295. *Speaking on behalf of GRULAC*, a Government representative of Panama said that the ILO should endeavour to identify sustainable responses to the current refugee crisis in close cooperation with other international organizations. The guiding principles were a step in the right direction towards guaranteeing the human rights of forcibly displaced persons His group was pleased to note the contents of section C on labour rights and equality of

opportunity and treatment, especially paragraph 23(d). It would be advisable to work more closely with host countries in order to secure easier access to labour markets for refugees. The ILO should offer support to persons who were forcibly returned or who returned voluntarily to their country of origin. It might be useful if the ILO were to share good practices in respect of sections D and E of the guiding principles with the constituents. In that connection he drew attention to the contents of the Brazil Declaration and Plan of Action, adopted in 2014, which constituted a framework for international cooperation in implementing sustainable, innovative solutions aimed at assisting refugees and displaced persons and eliminating statelessness. His group supported the draft decision as it stood.

296. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the large number of refugees being hosted by countries in the African region had tested their national reception and asylum systems. She was therefore pleased to note that the guiding principles recognized the need to share responsibility for taking in refugees more equitably and to reinforce national capacities. Her group was also grateful that the guiding principles were voluntary and non-binding as otherwise they might have overburdened the meagre resources of countries hosting 86 per cent of the planet's refugees and displaced persons. Ensuring labour market access could be no more than a temporary response pending a durable solution. The aim of the guiding principles should therefore have been to protect refugees in States which could offer them access to their labour market and not to change host countries' legal and policy frameworks. Since the Africa group had dissociated itself from several sections of the guiding principles, it would have difficulty in endorsing either of the two paragraphs of the draft decision. She sought clarification from the Office on its plan of action and future work to be undertaken with host countries.
297. *Speaking on behalf of IMEC*, a Government representative of the United States said that the guiding principles brought together the collective wisdom of countries which were hosting refugees, countries of origin and resettlement countries and might therefore further the devising of sound labour market responses meeting the needs of host countries, refugees and forcibly displaced persons. They took account of the complex challenges faced by host governments and communities, they were non-binding and flexible and they recognized that countries would have to design responses based on their own national contexts. They could help the ILO and member States to meet their commitments under the New York Declaration for Refugees and Migrants and those given at the Leaders' Summit on the Global Refugee Crisis in 2016. His group supported the draft decision as it stood, but was open to considering any amendments proposed by other groups.
298. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Turkey, Montenegro, Serbia and Georgia aligned themselves with the statement. Her group endorsed the IMEC statement and acknowledged that the severe impact of forced displacement on refugees and host communities made it vital to address their needs. As the refugee crisis had become protracted, it was necessary to foster self-reliance. Hence access to labour markets in the formal economy was of crucial importance. The ILO could contribute to the implementation of the Comprehensive Refugee Response Framework and to the formulation of the future Global Compact on Responsibility-sharing for Refugees. It could also be a key actor in improving the response to protracted displacement situations by helping to develop more appropriate long-term approaches. Her group supported the draft decision but, for the sake of consensus, would be open to examining any other proposed amendments.
299. *A Government representative of the Russian Federation* said that the process which had led to the adoption of the guiding principles meant that some stakeholders' views had been disregarded. The document did not reflect a true consensus as it ignored the interests of the countries hosting the largest number of refugees and forcibly displaced persons. That

precedent was inadvisable; the work of the ILO on that topic should be continued in strict observance of its mandate.

300. *A Government representative of Pakistan* said that the issue was one of great importance for his country, which for nearly four decades had hosted millions of refugees with the attendant economic, social and environmental impact on host communities. As insufficient time had been allocated for discussions at the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market in July 2016, amendments proposed by refugee-hosting countries had not been adequately examined. Although those countries had expressed reservations, they had not obstructed the adoption of the guiding principles, since they were voluntary and could be implemented selectively in light of the conditions prevailing in a country. Pakistan's experience showed that the most viable solution for refugees was sustainable reintegration in their country of origin through job creation for voluntary returnees. He therefore asked the Office to restore the original purpose of the ILO's Flagship Programme on Jobs for Peace and Resilience, to give serious consideration to constituents' points of viewpoints and concerns and to incorporate them into future policies and programmes. He supported the draft decision with amendments proposed by ASPAG.

301. *A Government representative of the United States* said she fully supported the guiding principles, which represented the first internationally agreed best practices on refugees' labour market access and could be adapted to national contexts. It was crucial that the Governing Body should authorize their dissemination and advocate their use in the follow-up to the UN high-level meeting, and in proposals for future ILO work in that area. She strongly supported the draft decision but was open to other formulations.

302. *A Government representative of Germany* said that people allowed to remain in host countries must have the possibility to make a positive contribution to society and the economy. The guiding principles provided a sound basis for facilitating refugees' access to the labour market. During its presidency of the G20 in 2017, Germany would pursue discussions on fair and effective labour market integration of legal migrants and internationally recognized refugees. Only through the clear recognition of the guiding principles would it be possible for the ILO to contribute to the joint response to the challenge represented by the refugee crisis. The differing national circumstances of the member States should also be taken into account.

303. *A Government representative of Canada* said he welcomed the guiding principles, which provided valuable guidance for States on adapting labour market access to national conditions and the needs of refugees. At the high-level meeting, the international community had declared profound solidarity with refugees and made commitments to sharing the responsibility of hosting and supporting them. He welcomed all initiatives to advance the process, including the guiding principles, which constituted a positive contribution from the ILO.

304. *A Government representative of Turkey* said that the Tripartite Technical Meeting had been timely and topical and the report accurately reflected the discussions. The guiding principles would inform the second discussion on the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71). As a host country to large numbers of refugees, Turkey was well acquainted with the difficulties encountered. It therefore welcomed the provisions of the guiding principles highlighting the importance of assistance and sharing responsibility more equitably. A regulation had been introduced in Turkey to provide work permits to refugees under temporary protection, and active labour market policies had been extended to cover refugees. Syrian refugees in the labour market enjoyed the same rights and obligations as Turkish nationals. ILO support to Turkey had produced meaningful results, hence the Office should increase its staffing and financial resources to

provide further assistance to countries in need. The guiding principles could serve as a useful tool for host countries and provide a strong framework for international cooperation. He encouraged the ILO to continue promoting collaboration and providing assistance to constituents, particularly in impact analysis, job creation and vocational training programmes. He supported the draft decision but was open to other formulations.

305. *A Government representative of Italy* underlined the importance of seeking sustainable solutions to integrate refugees in host communities, which should be a two-way process taking into account the needs of refugees and the host communities alike. True integration into society was not possible without access to the labour market. Refugees faced various challenges to employment, such as non-recognition of qualifications, psychological trauma, discrimination and a language barrier, therefore support should be tailored to individuals' needs. He supported the draft decision.
306. *A Government representative of Colombia* welcomed the ILO–UNHCR Memorandum of Understanding aiming to safeguard refugees' rights. The ILO guiding principles would contribute to national policy-making and international cooperation on labour market access and would guide the Director-General in the follow-up to the New York Declaration, to which the ILO could provide valuable support. His Government understood the notion of partnership as shared responsibility based on the principles of cooperation and international solidarity, recognizing the need for concrete action from the international community to support host countries. One example was Brazil's plan of action to facilitate refugees' access to paid work in third countries. The ILO and UNHCR advocated a new, preventative approach to the refugee problem based on the nexus between humanitarian action and development, which required a long-term vision and an understanding of the positive impact of migrants and refugees on host communities.
307. *A Government representative of Jordan* expressed gratitude for the support received from many countries and for the ILO's technical assistance in dealing with the large number of refugees it hosted. She reiterated her country's position that the guiding principles did not fulfil their intended purpose to assist host countries, and should be read in conjunction with the meeting report (Appendix II to document GB.328/INS/17/3) indicating the objections of member States that hosted refugees. She expressed reservations on the definition of "forcibly displaced" and its inclusion in the guidelines. She reiterated her country's disassociation from, and reservation on, any paragraph in the guiding principles that called for any measure to be undertaken that is outside or not in accordance with the international obligations that Jordan had assumed or that is not in line with Jordanian national legislation. Under the Jordan Compact, 28,000 work permits had been granted to Syrian refugees in Jordan. However, the country did not consider itself obliged to grant non-nationals access to the labour market; such access should be a temporary measure pending repatriation or resettlement. It was regrettable that the guidelines did not emphasize facilitating the voluntary return of refugees to their countries of origin or granting access to the labour market for returned or resettled refugees in countries of origin or third countries. Furthermore, decisions regarding encampment policies should remain the prerogative of the host State. It was also imperative for the international community to provide support for internally displaced persons in their own countries. She noted that for the reasons mentioned the guiding principles were not relevant to draw upon in the follow-up to the UN high-level meeting on Addressing Large Movements of Refugees and Migrants held in New York on 19 September 2016.
308. *A Government representative of Brazil* said that the guiding principles were an important contribution to the international debate and follow-up to the UN high-level meeting. As a receiving State for thousands of refugees in recent years, Brazil was cognizant of the need to share the burden. It was contributing to the resettlement of refugees in the region and sought to safeguard the rights of forcibly displaced persons. Brazil had established a

humanitarian visa system under which thousands of Syrian and Haitian citizens had entered the country.

- 309.** *A Government representative of Algeria* said that the Office had explained at the end of the Tripartite Technical Meeting that the outcome would be submitted to the Governing Body, which would be asked to authorize the Director-General to disseminate the document. The tripartite participants had not agreed on any other decision to be taken. While the Office needed guidance for its future work, it must also take account of the concerns expressed by the Africa group. Any follow-up to the guiding principles must consider the national context of each host country. That included the second discussion on the revision of Recommendation No. 71. The burden on host States must not be increased, and strengthening international cooperation should be prioritized. He requested the Office to provide the Governing Body with a document containing further information on its future work in the domain, its objective, any workplan and the budget required. He supported the Africa group's proposed amendment to the draft decision.
- 310.** *A Government representative of India* said that the fact that the ILO was holding its third discussion on refugees in one year reflected the complex nature of the situation and highlighted the need for a more balanced, multifaceted, flexible and coordinated response. Refugees enjoyed a specific status and protections under international law, which was distinct from that governing economic migrants. Labour and employment issues related to refugees should continue to be guided by well-established refugee law, and attempts to apply other instruments should be approached with caution. The guiding principles should in no way change member States' obligations. Her Government welcomed the increased inter-agency cooperation, including the ILO–UNHCR Memorandum of Understanding. The ILO's future work should fully take into account the specific challenges faced by developing countries, who continued to host over 85 per cent of the global refugee population. Any measures to promote labour market access in host countries should be seen as a temporary response; the focus instead should be on finding durable solutions, while respecting the principle of non-refoulement. The principles of global solidarity and burden-sharing must not be undermined, and any recommended measures should take into consideration the specific circumstances of host countries, and avoid imposing undue burden. She supported the amendment proposed by ASPAG.
- 311.** *A Government representative of Thailand* said that, as host to over 103,000 displaced persons from Myanmar for over 30 years, Thailand attached great importance to ensuring that they could contribute to the economy and society once they returned home. To enhance their employment prospects, it had been providing vocational training focused on agriculture and farming techniques, which gave displaced persons income-earning opportunities. Skills training was one of the main commitments the Government announced during the September 2016 Leaders' Summit on Refugees.
- 312.** *A Government representative of Zimbabwe* reiterated that refugees already enjoyed specific status and protection under international law, and thus the ILO's main role should be to facilitate the effective implementation of national DWCPs, as they benefited all actors in a country's labour market. The ILO should also concentrate on strengthening labour administration systems to create labour markets conducive to accommodating refugees. As labour markets were already faced with unemployment and underemployment, any interventions should aim to mitigate those challenges holistically. Noting the reservations expressed in the Tripartite Technical Meeting, he called upon the Office to ensure a framework for continued dialogue in future meetings in order to arrive at consensus. He supported the draft decision as amended by the Africa group.

313. *A Government representative of the Islamic Republic of Iran* said that his country had been the world's top refugee-hosting country for many years, and had pioneered best practices in hosting large numbers of refugees. As a result, refugees had access to jobs, education and health services. However, in the absence of sufficient international support, that had required sizeable national investments and resources. Immediate and concerted attention must be given to helping countries hosting a large number of refugees and other forcibly displaced persons. The ILO had a major role to play in identifying the repercussions on the labour market and developing corresponding policies. He called on the Office to design specific programmes to address the training needs of refugees worldwide. He noted that the guiding principles were voluntary and non-binding and that due consideration should be given to the reservations expressed at the Tripartite Technical Meeting.
314. *A Government representative of Ghana* emphasized that the guiding principles should not overburden the least-developed countries that often hosted refugees and displaced persons. That situation was aggravated by issues such as high youth unemployment, casualization of labour and high levels of informality. As the guiding principles should remain voluntary and non-binding, he endorsed the Africa group's proposed amendment to the draft decision.
315. *A Government representative of Lebanon* said that the Tripartite Technical Meeting should have concluded with a decision to examine the issue further after considering the pros and cons of new approaches in complex humanitarian environments. The Office could have sought to determine the impact of refugees on the labour market ahead of such discussions. Most countries hosting a significant number of refugees and other forcibly displaced persons were struggling with existing structural and socio-economic problems together with low levels of solidarity and burden-sharing from other countries. The responsibility to receive refugees must be based on countries' capacity to assist instead of their proximity to a crisis. More consideration must be given to the needs of host communities and to preparing for the safe return of refugees and displaced persons to their country of origin. The concerns of major refugee-hosting countries had not been and were not being considered by the Office. The ILO must establish another list of priorities in order to assist those States hosting large numbers of refugees, who must not pay the price of the failure of the international community to address crises such as the Syrian one. She fully supported ASPAG's proposed amendment.
316. *A representative of the Director-General (DDG/P)* said that the Office had listened very carefully at the Tripartite Technical Meeting and was continuing to do so. Consequently, it had added the introductory paragraphs to the guiding principles recognizing the massive responsibilities undertaken by host countries, the need for more equitable sharing of those responsibilities and the importance of national contexts, laws and regulations. The guiding principles fell squarely within the context of the New York Declaration, as it encouraged host States "to consider opening their labour markets to refugees". The guiding principles were voluntary, flexible and not intended to generate additional obligations for member States. They were relevant from the time refugees entered the labour market, not before, and hence fully within the ILO's mandate. They also contained many references to the need to take national circumstances into account.
317. As to how the Office would implement the guidelines, it would operate as always on the principles that it worked with countries only at their invitation; it analysed the labour market situation to determine the specific country context; and it reached an agreement with the country on the technical assistance before beginning any programme. Forms of technical assistance varied depending on the country. Examples included providing entrepreneurship training for refugees in Jordan; supporting child labour elimination programmes targeting refugees; assisting Turkey's implementation of temporary employment regulations for refugees; assessing labour market impacts in Lebanon to help strengthen the Government's knowledge base; and providing technical support alongside the UNHCR livelihood

programme for refugees in Egypt. The revised ILO–UNHCR Memorandum of Understanding acknowledged a partial overlap in mandates, in that work constituted a significant tool in development policy and in sustainable solutions for labour markets, including refugees. The Office was working on an action plan in which it would support the UNHCR and would engage in information sharing and policy coordination, as requested by the Governing Body for all ILO action. More comprehensive information on the Office’s work was contained in the Programme and Budget for 2016–17 and would also feature in the next biennium.

318. *Speaking on behalf of the Africa group*, a Government representative of Kenya explained the group’s proposed amendment. In subparagraph (a), “non-binding” should be added before “guiding principles”. The subparagraph should end at “labour market”, and the remaining text deleted. In (b), the text from “consideration” to “area”, inclusive, should be deleted and the subparagraph should continue with “and take into account the views expressed during the debate of the Tripartite Meeting including the current 328th Session of the Governing Body when drawing up proposals for future work on the non-binding guiding principles”. The word “including” should be deleted, and the subparagraph should end with “and follow-up to the UN General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York on 19 September 2016”.
319. *The Chairperson* suggested, in the interest of consensus, merging the amendments proposed by ASPAG and the Africa group. Hence, “non-binding” could be inserted before “guiding principles” in subparagraphs (a) and (b), and “particularly” could be added so that the text would read: “while taking into account the viewpoints and positions expressed particularly by the States hosting large numbers of refugees”.
320. *The Worker spokesperson* said that her group had difficulty understanding the reasoning for the proposed amendments, as it was already clear that the guiding principles were non-binding. Moreover, it would be difficult to promote the guidelines if the views of the different States would always take precedence. The guidelines were merely an overarching framework.
321. *The Employer spokesperson* concurred with the Worker spokesperson. He did not want the proposed amendments to set a precedent: consensus did not mean unanimity and guidelines were by their nature non-binding.
322. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the inclusion of the word “non-binding” was critical for his group as it made clear that there was no legitimate expectation, which would allay the fears of some members with strong reservations and counterbalance the views of others. With regard to the change of configuration of the decision point, the first part of the decision should remain generic while the second part should refer to future action. In the spirit of openness and flexibility and in the interest of consensus, if the wording proposed by his group was not accepted it would accommodate a hybrid decision. It was important for all groups in the Governing Body to take ownership of the decision, which must reflect their views.
323. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group faced a huge challenge, with various repercussions. His group expected as a minimum that the views expressed at the Tripartite Technical Meeting would be given consideration. Nevertheless, in the interests of compromise and tripartism, it would support the Chairperson’s proposal in the absence of alternative formulations.
324. *The Worker spokesperson* said that the Governing Body must obtain consensus because the issue under discussion was important in the real world and deserved a reply. The draft decision should represent the viewpoints and positions expressed by all who took part in the

debate, including countries hosting large numbers of refugees and other countries, thereby reflecting a shared level of engagement on the issue. Although a single mention of the word “non-binding” was sufficient, her group accepted its proposed repetition and further proposed that the final lines of subparagraph (b) should be amended to read: “... while taking into account all viewpoints and positions expressed during the debate and considering particularly the needs of States hosting large numbers of refugees.”.

325. *The Employer spokesperson* said that his group appreciated the clear commitment of the Africa group and ASPAG to finding a consensual tripartite solution and supported the subamendments proposed by the Workers, which reflected the concerns expressed previously by those groups and the Employers.
326. *The Chairperson* said that his earlier proposal had been viewed as granting a form of veto power to one group of States and met with opposition from the social partners. The new wording proposed by the Workers sought to focus on the needs and concerns of host countries with the heaviest refugee burden, while also taking into consideration the view that one group of States, no matter how burdened, should not be in a position to prevent consensus.
327. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that governments should implement the guiding principles. It was important to obtain consensus and their views therefore needed to be reflected. His group did not accept the introduction of the word “needs” to the proposal and would prefer to revert to the language proposed that morning by the Chairperson.
328. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group concurred with ASPAG concerning the word “needs” and also wished to revert to the wording proposed by the Chairperson that morning.
329. *The Chairperson* said that the word “needs” could be replaced with the word “perspectives”. The topic under discussion was of great importance. It was also highly political and would be dealt with at the G20, where principles would be accepted and adopted; if the ILO was to play a role with all its constituents, it was essential to come to a consensus.
330. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the debate to which the decision referred, namely, that during the Tripartite Technical Meeting and at the 328th Session of the Governing Body, should be specified. He further proposed that the word “needs” should be replaced by the word “concerns”.
331. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group supported ASPAG’s proposal.
332. *The Worker spokesperson* said her group accepted the proposal, subject to the deletion of the word “while” before the words “taking into account”.
333. *The Employer spokesperson* said that his group accepted the proposed text, as amended, in a spirit of compromise, recognizing the extraordinary situation facing States hosting large numbers of refugees. He emphasized that the concerns expressed by his group reflected its concern that tripartite consensus was being undercut.

Decision**334. The Governing Body:**

- (a) *took note of the final report of the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market and authorized the Director-General to publish and disseminate the outcome of the meeting, which included the non-binding guiding principles on the access of refugees and other forcibly displaced persons to the labour market, and to draw upon the guiding principles in follow-up to the United Nations General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York on 19 September 2016;*
- (b) *requested the Director-General to take into consideration the non-binding guiding principles on the access of refugees and other forcibly displaced persons to the labour market when drawing up proposals for future work of the Office in this area, taking into account all viewpoints and positions expressed during the Tripartite Technical Meeting and the 328th Session of the Governing Body and considering particularly the concerns of States hosting large numbers of refugees.*

(GB.328/INS/17/3(Rev.), paragraph 6, as amended by the Governing Body.)

Fourth Supplementary Report: Outcome of the Meeting of Experts on Fair Recruitment
 (Geneva, 5–7 September 2016)
 ([GB.328/INS/17/4](#))

- 335.** *The Worker spokesperson said that the general principles and operational guidelines adopted by the Meeting of Experts on Fair Recruitment would be a useful tool for promoting and ensuring fair recruitment and preventing violations of the labour rights of workers, including migrant workers, refugees and displaced persons, whether recruited directly by employers or through intermediaries. The guidelines applied to recruitment within and across national borders and covered all sectors of the economy. The Worker spokesperson recalled the first general principle that stated that recruitment had to take place in ways that respected internationally recognized human rights including international labour standards. Workers welcomed the general principles that recruitment should not serve as a means to displace or diminish an existing workforce, lower labour standards or otherwise undermine decent work and that no recruitment fees or related costs should be charged to workers. The operational guidelines also provided clear guidance on the responsibilities of the different actors concerned and underscored the importance of consulting workers' and employers' organizations when formulating measures to prevent abuses in the recruitment process. The Workers supported the draft decision.*
- 336.** *The Employer spokesperson welcomed the general principles and operational guidelines for fair recruitment. They were an important contribution to initiatives to address fraudulent and abusive practices in the recruitment process. The guidelines were not perfect. They excluded migrant workers from the category of own-account or self-employed workers and the definition of recruitment fees was ambiguous. Principle 8, covering measures to prevent contract substitution, might have the unintended consequences of preventing the employer from giving more favourable terms and conditions to the worker. In operational guideline A.4, on government responsibilities, labour recruiters had been mentioned*

specifically but were not included in the definition of “employer”. The same paragraph referred to the legitimacy of placement offers without explaining what constituted legitimate or illegitimate offers. The final paragraph of operational guideline A.11, on the role of governments in creating awareness of the need for fair recruitment in both the public and private sectors, referred to migrants’ employment rights; it was important to recognize that migrants should also be made aware of their legal obligations. The Employers supported the draft decision.

337. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that, since member States could shape public and national policies through international standards, they had an obligation to ensure that all workers enjoyed the protection from forced labour, human trafficking and other abusive and fraudulent practices which fair recruitment guaranteed. The proposed principles and operational guidelines provided a framework for such protection and were an essential instrument for achieving decent work for all workers, including migrant workers, fostering economic growth and reducing inequality in and among countries in line with Goals 8 and 10. ASPAG supported the draft decision.
338. *Speaking on behalf of the Africa group*, a Government representative of Sudan emphasized that recruitment across international borders must respect the national laws, employment contracts and collective agreements of countries of origin, transit and destination as well as fundamental human rights and rights at work. At the same time, the relevant international labour standards should be implemented effectively. His group welcomed the adoption of a comprehensive set of general principles and operational guidelines, but was concerned about the scope of government responsibilities and the challenges of enforcement across jurisdictions.
339. *Speaking on behalf of IMEC*, a Government representative of the United States said that while the principles and guidelines were aspirational and non-binding, they provided a useful tool to assist governments, employers’ and workers’ organizations and other actors in their efforts to deter the unscrupulous recruitment of workers. They could contribute substantially to the follow-up to the High-Level Meeting on Addressing Large Movements of Refugees and Migrants, including the global compact for safe, orderly and regular migration to be adopted in 2018. IMEC supported the draft decision and encouraged governments, the social partners, other international organizations and relevant actors to use and promote the guidelines.
340. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Turkey, Montenegro, Serbia, Albania, and Bosnia and Herzegovina aligned themselves with the statement. Fair recruitment was crucial in a world of increased global mobility. Some migrant workers, especially those who were low-skilled, were vulnerable to abuse. The ILO’s initiative on fair recruitment was essential in order to protect them from human trafficking and smuggling and it would contribute to the follow-up to the New York Declaration for Refugees and Migrants and inform the general discussion on labour migration at the 106th Session of the Conference (2017). The EU supported the draft decision.
341. *Speaking on behalf of ASEAN*, a Government representative of Cambodia said that the general principles and operational guidelines would provide an environment conducive to fair recruitment practices. Due diligence in assessing the actual and potential impacts on human rights of recruitment activities would ensure that migrant workers had a better chance of enjoying fair recruitment that upheld their rights and protected them from abuses. ASEAN supported the draft decision.

342. *A Government representative of India* encouraged the ILO to provide technical support to governments and other stakeholders to strengthen their capacities to address the challenges of both internal and international migration through fair recruitment practices. Innovative approaches to a compliance mechanism, such as third-party certification systems and employer/recruitment agency star ratings, could replace a traditional inspection-based mechanism. Separate grievance mechanisms for domestic and international migrant workers might be more appropriate, as different agencies often dealt with the grievances of separate categories of workers. Fair recruitment policies should be adequately supported by a complementary migration policy framework. Refugees and migrants were two different groups and should be treated accordingly. She encouraged the ILO to work with member States to promote the ratification of instruments related to labour migration and employment policy. Her Government supported the draft decision.
343. *A Government representative of Indonesia* said that, as his Government attached great importance to fair and effective policies on migrant workers, it strove continually to promote and protect the rights of migrant workers at the bilateral, regional and multilateral levels. The ILO's general principles and operational guidelines would provide valuable input to its efforts in that respect. His Government supported the draft decision.
344. *A Government representative of Mexico* said that the ILO guidelines would be a valuable tool in addressing migration issues. His Government had recently promoted the signing of a Memorandum of Understanding on Labour Cooperation with El Salvador, Guatemala and Honduras, which would form the basis of a temporary migrant labour programme. His Government encouraged the Office to use the operational guidelines to promote the sharing of best practices in its regions. It supported the draft decision.

Decision

345. *The Governing Body:*

- (a) *authorized the Director-General to publish and disseminate the General Principles and Operational Guidelines for Fair Recruitment adopted by the Meeting of Experts on Fair Recruitment on 7 September 2016, and to draw upon them in follow-up to the United Nations General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York on 19 September 2016;*
- (b) *requested the Director-General to take into consideration the General Principles and Operational Guidelines for Fair Recruitment when drawing up proposals for future work of the Office in this area.*

(GB.328/INS/17/4, paragraph 6.)

Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work ([GB.328/INS/17/5](#))

346. *The Employer spokesperson* said that the Meeting of Experts had been most useful. Although it had highlighted the complexity of the issue of violence in the world of work, the path forward remained unclear. The conclusions had demonstrated the need to find an integrated approach to tackle the issue, with clearly defined responsibilities for all actors, especially

governments, which should promote zero tolerance of violence and harassment and make the prevention and mitigation of violence a priority. In addition, they had highlighted the need of employers for appropriate tools and policy frameworks that would enable them to take effective action against violence in the workplace. Furthermore, they had underscored the need to establish a clear definition of the workplace in order to delineate the scope of employers' responsibilities, as well as clear and precise definitions of both violence and harassment that took national differences into account. Moreover, they had advocated a cautious approach to standard setting through an instrument that provided appropriate forms of protection for workers in flexible and traditional forms of employment and employment relationships. His group therefore recommended that the standard-setting exercise should focus on properly defining violence at work and avoid any line of discussion that might seek to regulate or limit flexible forms of work. Protecting workers in flexible forms of employment required the creation of appropriate instruments, not the extension of existing ones. The Employers' group supported the draft decision, bearing in mind the need to treat violence and harassment as distinct issues requiring different preventive and mitigation measures.

347. *The Worker spokesperson* said that her group concurred with the experts that violence was incompatible with decent work, was unacceptable and that the gender dimensions of violence needed to be addressed specifically. She supported the proposal to use the overarching concept of violence and harassment to better reflect the continuum of unacceptable behaviours and practices. Violence in the workplace was one of the most destructive features of the world of work and harmed individuals, businesses and the economy. The risk of exposure was greater in informal, precarious and low-wage jobs with little labour rights protection or management accountability. Some new forms of work organization, such as the digitalized workplace, posed additional psychological risks, while workers providing front-line public services, workers in isolated settings, workers at the bottom of the global supply chain, in EPZs and mobile and migrant workers were particularly vulnerable. The preparatory documents for discussion at the 107th Session of the Conference (2018) on possible instruments must address the fact that unequal power relationships were at the root of violence in the world of work and affected certain groups disproportionately.
348. An important conclusion of the experts' meeting referred to domestic violence and other forms of violence and harassment as being relevant to the world of work when they impact the workplace. Although efforts had been made at the national, regional and international levels to address the issue of violence and harassment at work, significant protection gaps persisted in the absence of an international framework and definitions for addressing violence in relation to the world of work. While some ILO instruments referred to violence and harassment, they did not define those terms or provide guidance on how to address them and were limited in scope. Attempts to tackle violence through occupational health and safety frameworks were insufficient, particularly in relation to gender-based violence. Often, the only recourse was criminal law which was costly and time-consuming. The standard-setting item on the agenda of the 107th Session of the Conference (2018) was therefore both important and urgent. An integrated approach was needed that encompassed prevention, protection, enforcement and monitoring. Social dialogue and collective bargaining were essential to the development of a future ILO instrument or instruments, which should take the form of a Convention and a supplementary Recommendation. The Workers supported the reduced intervals for the preparatory stages.
349. *Speaking on behalf of ASPAG*, a Government representative of Australia said that although some protection against violence and harassment in the world of work did exist, an integrated range of solutions was needed to address the gaps. The experts had concurred that a new, flexible instrument was needed to address the diversity of socio-economic realities, enterprises, forms of violence and contexts, a conclusion that was highly relevant to the diverse ASPAG region. She emphasized the importance of including the discussion on the

agenda of the 107th Session of the Conference (2018). She expressed support for the reduced intervals for preliminary reports and also supported the draft decision.

350. *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the broader language, the distinctions made by the Office in paragraphs 9–15 and the experts’ agreement on the existence of a governance gap on violence and harassment at work. An integrated approach would help to broaden the scope of a new instrument, or instruments and her group therefore reiterated its call to address that matter urgently. She supported the calls for distinctive roles for the three constituents and for the provision of sex-disaggregated and other data. In that regard, assistance provided by the Office to help data comparability would also be welcomed. She supported the draft decision.
351. *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group concurred that there was a need to develop an instrument which addressed the issue specifically and which expressly condemned all forms of violence and harassment in accordance with the principle of zero tolerance. Furthermore, it agreed that the issue was incompatible with decent work and must be addressed urgently, following an integrated approach. The resulting instrument should include the adoption of legislative and other measures, with corresponding penalties, to condemn that issue and enable access to free counselling and assistance services. In view of national differences in terminology, GRULAC shared the view that the broader concept of “violence and harassment” should be retained as the issue involved violations of human and labour rights, which often constituted a form of abuse of power. The instrument would entail the adoption of public policies aimed at addressing, preventing and punishing violence and harassment at work at all hierarchical levels, whether by acts of omission or commission. It was of vital importance to assist and support victims, to create a mechanism to address the health consequences for workers and to establish an expedited and confidential reporting procedure for receiving complaints. Lastly, since prevention was a fundamental component, the implementation of outreach and awareness-raising campaigns should be considered, for example by the inclusion of materials on the issue in vocational training programmes and in schools, universities and vocational training courses and by the establishment of observatories. GRULAC supported the draft decision.
352. *Speaking on behalf of IMEC*, a Government representative of Belgium said that the current response to violence and harassment in the world of work was insufficient and that such conduct was a serious and costly human rights issue. The risk factors included poor resources management, unequal power relationships and obstacles to the exercise of freedom of association and collective bargaining. Accordingly, Governments must promote a general environment of zero tolerance and develop instruments in consultation with the social partners. Judicial, administrative and disciplinary measures were also an essential part of efforts to prevent violence and harassment and to support victims. Likewise, labour inspection units and victim protection were priority areas. The ILO should focus on the provision of information and evidence related to incidence and severity and the dissemination of best practices and policy guidance. IMEC supported draft decision.
353. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, as well as Georgia, aligned themselves with the statement. They supported the statement made on behalf of IMEC. The EU welcomed the definition of violence and harassment and the proposal to include the term “harassment” in the title of the agenda item. The implementation of the framework agreement on harassment and violence at work adopted by the EU social partners provided valuable lessons for all and the conclusions contained in the document served as a good basis for subsequent action, taking into account the higher risk faced by women, and other risk factors, such as discrimination based on race, ethnicity, disability, HIV status, sexual orientation and gender identity. Using the term

“world of work”, rather than “workplace”, meant the incorporation of the commute to and from work, of public spaces and of work-related social events. Lastly, the need for tripartite responsibility regarding the mechanisms, tools and methods of prevention, response, risk assessment and awareness raising was underlined. Work environments should have a zero tolerance approach and measures should be taken to facilitate the confidential reporting of offences and the prevention of retaliation and victimization. He supported the draft decision.

354. *A Government representative of India* said that, while she was pleased that the topic had been placed on the agenda of the Conference, the terms “violence” and “harassment” should be clearly defined and understood before an instrument on the topic was developed. The absence of labour protection did not in itself constitute violence or harassment, although it could lead to such situations. A clear agenda for discussion of the core issues was needed and the social partners should be involved. Enforcement must encompass branches of government other than labour ministries. She supported the draft decision.
355. *A representative of the Director-General (DDG/P)* said that the experts had suggested the overarching concept of “violence and harassment” in order to ensure that the full range of unacceptable behaviour was targeted and understood and that responses were appropriate to the kind of violence or harassment encountered, bearing in mind that the two should be viewed as a continuum. The Office would proceed accordingly and had taken note of the requests for evidence-based research, better data and involvement of the social partners.
356. *The Employer spokesperson* reiterated that his group understood the importance of eliminating all forms of violence in the world of work, supported the draft decision and was in favour of preparing a Recommendation on the topic, although adequate technical support would be required when it was discussed at the Conference. However, risk factors must not be confused with the actual presence of risk, nor should it be assumed that some forms of work automatically placed workers at greater risk; assessments must be made on a case-by-case basis.

Decision

357. The Governing Body:

- (a) requested the Office to prepare the first discussion of possible instruments on violence and harassment against women and men in the world of work by the Conference at its 107th Session of the Conference (2018) taking into account the guidance provided in the conclusions of the Meeting of Experts on Violence against Women and Men in the World of Work (Geneva, 3–6 October 2016) and further guidance given by the Governing Body;**
- (b) decided to replace the term “violence” with “violence and harassment” in the title of the item placed on the agenda of the 107th Session (2018) of the Conference;**
- (c) approved a programme of reduced intervals for the preparatory stages of the first discussion of the agenda item as outlined in Appendix II of document GB.328/INS/17/5.**

(GB.328/INS/17/5, paragraph 12.)

Sixth Supplementary Report: Follow-up to Governing Body decisions ([GB.328/INS/17/6](#))

358. *Speaking on behalf of the Africa group*, a Government representative of Sudan expressed appreciation for the Office report, as the format clearly showed the decisions taken requiring follow-up, the action undertaken by the Office, the planned date for reporting to the Governing Body and the implementation status. He requested the Office to prepare reports in the same manner for the future sessions of the Governing Body. His group supported the draft decision.

Decision

359. *The Governing Body requested the Office to prepare, for its 331st Session (November 2017), a supplementary report on the follow-up to the decisions adopted since November 2015.*

(GB.328/INS/17/6, paragraph 5.)

Seventh Supplementary Report: Documents submitted for information only ([GB.328/INS/17/7](#))

Outcome

360. *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.328/INS/17/7.*

(GB.328/INS/17/7, paragraph 4.)

Eighth Supplementary Report: Report of the tripartite Committee set up to examine the representation alleging non-observance by Peru of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Autonomous Confederation of Peruvian Workers (CATP) and the United National Union of Workers of the National Tax Administration Supervisory Authority (SINAUT–SUNAT) (GB.328/INS/17/8)

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

Decision

361. *In the light of the considerations on which the Committee's conclusions, as set out in paragraphs 19–37 of the report contained in document GB.328/INS/17/8, are based, the Governing Body:*

- (a) approved the report and, in particular, the conclusions formulated by the Committee in its paragraphs 25, 29, 31, 33 and 37;*
- (b) invited the Government to send information concerning the Committee's conclusions in its next report to the Committee on the Application of Conventions and Recommendations;*
- (c) made the report publicly available and closed the procedure initiated by the representation made by the Autonomous Confederation of Peruvian Workers (CATP) and the United National Union of Workers of the National Tax Administration Supervisory Authority (SINAUT–SUNAT) alleging non-observance by Peru of Convention No. 111.*

(GB.328/INS/17/8, paragraph 38.)

Ninth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Spain of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Independent Judicial Forum professional association (GB.328/INS/17/9)

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

Decision

362. *In the light of the conclusions set out in paragraphs 27–47 of the report contained in document GB.328/INS/17/9, the Governing Body:*

- (a) approved the report;*
- (b) requested the Government to ask the General Council of the Judiciary to inform the social partners about the additional measures adopted to ensure that, in practice, judges in judicial districts with only one court of first instance and preliminary investigation benefited from the weekly rest established under the Convention;*
- (c) requested the Government to ask the General Council of the Judiciary to assess the impact of the new system of substitutions on the right to weekly rest for judges, and to inform the social partners, in order to ensure that in practice they benefited from the equivalent of a minimum of 24 hours of rest for every seven days worked, in accordance with the Convention;*

- (d) *invited the Government to send in its next report to the Committee on the Application of Conventions and Recommendations information related to its observations;*
- (e) *made the report publicly available and closed the procedure initiated by the representation.*

(GB.328/INS/17/9, paragraph 48.)

Eighteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Complaint concerning non-observance by the Republic of 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 Maternity Protection Convention (Revised), 1952 (No. 103), the Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 26 of the ILO Constitution by a delegate to the 105th Session (2016) of the International Labour Conference (GB.328/INS/18/1)

- 363. *Speaking on behalf of GRULAC*, a Government representative of Panama reiterated his group's concerns over the absence of regulations governing receivability of article 26 complaints. The criteria must be addressed in follow up to the joint report of the Chairpersons as part of the Standards Initiative. He again expressed regret that the document assumed that the complaint would automatically be considered receivable simply because it had been presented by a delegate to the Conference and concerned Conventions ratified by the Government which was the subject of the complaint. There must be predetermined objective criteria to govern receivability to avoid duplicating procedures.
- 364. *A Government representative of Chile* said that his Government had the utmost respect for the ILO's supervisory bodies and procedures; however, they should be used in a balanced manner. Under the ILO's basic instruments, article 26 proceedings were reserved for cases of serious, repeated violations of fundamental labour rights, and not for democratic discussions of labour reforms in Chile or any other country. However, at that stage only the formal requirements for receivability were being considered, not the substance of the complaint.
- 365. Since Chile's transition to democracy in 1990, the Government had undertaken profound reforms to freedom of association, collective bargaining and the right to strike and included them in the Labour Code, ratified all the fundamental labour Conventions, and introduced substantial improvements to the labour inspection and justice systems. It had received

extraordinary support from the ILO in the process of legislative and development of labour policies. The progress achieved had been the subject of detailed reports to the ILO supervisory bodies. However, the Committee of Experts had not yet examined Chile's report on the Conventions mentioned in the complaint, in particular with respect to the most recent labour reform. Accordingly, his Government reserved the right to present its submissions at a time determined by the Governing Body, when it would demonstrate that the arguments underpinning the complaint were baseless and that the complaint itself was an inappropriate use of the ILO supervisory mechanisms.

Decision

366. The Governing Body decided:

- (a) to request to the Director-General to forward the complaint to the Government of Chile, inviting it to communicate its observations on the complaint by 10 January 2017;*
- (b) to include this item on the agenda of its 329th Session (March 2017).*

(GB.328/INS/18/1, paragraph 10.)

Second report: Complaint concerning non-observance by the Bolivarian Republic of Venezuela of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Protection of Wages Convention, 1949 (No. 95), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 26 of the ILO Constitution by a delegate at the 105th Session (2016) of the International Labour Conference (GB.328/INS/18/2)

367. *Speaking on behalf of GRULAC*, a Government representative of Panama expressed concern at the lack of any predetermined objective criteria for determining the receivability of complaints presented under article 26 of the Constitution. They should not automatically be deemed receivable simply because they had been submitted by delegates to the Conference and the Government concerned had ratified the Conventions referred to therein. Moreover the document under consideration had not been distributed at least 15 days before the start of the meeting as required by the *Compendium of rules applicable to the Governing Body of the International Labour Office*. Since that rule had not been respected, his group requested deferral of the consideration of that agenda item.
368. *A Government representative of the Bolivarian Republic of Venezuela* said that his Government had already submitted its arguments on the non-receivability of the complaint. It was committed to complying with all ILO Conventions ratified by the country, including those to which the complaint in question referred. At that juncture, it wished to exercise its legitimate right of defence and express its position on some points of law without entering into the merits of the case.

369. The document had been issued late, on 3 November 2016, in breach of the *Compendium of rules applicable to the Governing Body of the International Labour Office*, which stated that the documents prepared by the Office on the items on the agenda must be distributed no later than 15 working days before the opening of each session and, if that period was not respected, the item concerned would be postponed until the subsequent Governing Body session. The failure to respect that rule meant that the document should not be presented at the current Governing Body session. Furthermore, a complaint under article 26 of the ILO Constitution should not automatically be deemed receivable simply because it was submitted by delegates to the Conference and the Government concerned had ratified the Conventions referred to therein. There should be predetermined objective criteria to determine the receivability of complaints. In fact, the complaints mechanism under article 26 of the ILO Constitution should be reviewed, since there were currently no rules regulating it.
370. It was regrettable that Worker representatives from other countries, who had no idea of the real situation in the country concerned, could submit such complaints against a government and expect them to be automatically receivable. Complaints submitted under article 26 of the Constitution were usually closely linked to political campaigns against governments, and care must be taken to ensure that the ILO did not become embroiled in them.
371. The complaint in question was also flawed on account of the duplication of procedures, because various ILO supervisory bodies had considered the same allegations. As his Government had already provided an appropriate response to those bodies, there was no justification for appointing a Commission of Inquiry to examine the same submissions. It recalled the discussion of the complaint concerning non-observance by the Bolivarian Republic of Venezuela of Conventions Nos 26, 87 and 144, submitted under article 26 of the Constitution by several delegates to the 104th Session of the International Labour Conference (2015) the previous day and the decision which had been taken on that agenda item to postpone discussion of the appointment of a Commission of Inquiry until March 2017. The Government of the Bolivarian Republic of Venezuela therefore called for consistency in the Governing Body's decisions and it appealed to the social partners to further strengthen the spirit of understanding that had prevailed the previous day.
372. *A Government representative of the Russian Federation* welcomed the detailed response of the Venezuelan Government and looked forward to the constructive contribution of governments, the social partners and the ILO. The Government had regularly submitted information in response to questions and measures were in place for the promotion of fruitful tripartite social dialogue. There must be no politicization of the ILO's work through the submission of complaints, and it was crucial to ensure that relevant international standards were respected when handling them.
373. *A Government representative of Cuba* said that it would be inconsistent with efforts to foster a spirit of cooperation and respect for the principles of procedure if various supervisory bodies were automatically allowed to consider the same facts simultaneously. Developments in the country should not be overlooked, not least the process of broad social dialogue under way, nor the spirit of tripartite cooperation that had prevailed during discussions on the complaint concerning non-observance of Conventions Nos 26, 87 and 144. The Government of Cuba supported the non-receivability of the complaint, or postponing the examination of its receivability until the subsequent session of the Governing Body.
374. *A Government representative of Mauritania* expressed the hope that the situation in the country would progress in a positive direction and said that in the light of the decision on the complaint concerning non-observance of Conventions Nos 26, 87 and 144, and of the measures taken by the Venezuelan Government, the examination of the receivability of the present complaint should be postponed until the March 2017 session.

375. *A Government representative of India* said that the Venezuelan Government had raised pertinent issues related to the admissibility of complaints under article 26 of the ILO Constitution. There was no automatic receivability of complaints and all parties concerned should have the opportunity to present their views in an open discussion to ensure that decisions were made in an objective and consistent manner. More coherence was needed among the various supervisory mechanisms. The ILO should assist the Venezuelan Government in strengthening social dialogue through appropriate capacity-building and technical assistance programmes.
376. *A Government representative of Uruguay* said that opening and examining a new complaint could run counter to the efforts being made by the international community to promote a forum for dialogue in the country. His Government supported postponing examination of the receivability of the complaint.
377. *A Government representative of Algeria* noted that the application of ratified ILO standards was fully incorporated in Venezuelan legislation, which always took account of the country's socio-economic circumstances. Any complaints before the ILO must not be considered automatically receivable, but must be examined in detail on a case-by-case basis. The Venezuelan Government had conveyed its willingness to work with the ILO and respond to the questions raised by the various bodies. The Government of Algeria supported the request of the Venezuelan Government and urged the Office to consider it, to avoid a situation of double jeopardy.
378. *The Worker spokesperson* said that consistency, objectivity and coherence were paramount in the work of the Officers in the complaints procedure. It was important to make a distinction between how they dealt with receivability versus the substance. At the current stage, they were only considering the receivability of the complaint. All cases were dealt with following the same procedure, in that the Officers discussed them at the beginning of the Governing Body and they were published immediately afterwards; thus, the 15-day rule did not apply. In the current complaint, it was clear that the conditions for receivability had been fulfilled, and the substance would be discussed at a later stage.
379. *A representative of the Director-General (DDG/MR)* said that paragraph 5.6.5 of the Standing Orders of the Governing Body did establish a 15-day rule. However, paragraph 5.6.7 stated that that rule did not apply to documents arising from meetings, missions and initiatives taking place immediately before or during the Governing Body session. Paragraph 5.6.7 was specifically included to encompass such meetings as the Officers' meetings, which were held either immediately before or during Governing Body sessions to ensure that matters that were being dealt with by the Officers could still be presented to the Governing Body.
380. *A representative of the Director-General (Legal Adviser)* clarified, first, that there was no such thing as automatic receivability. The criteria for receivability did not appear in any ILO regulatory texts, but did exist. On the basis of constant and undisputed practice since 1961, the Officers of the Governing Body in the first instance looked at the receivability criteria as to the form of complaints filed under article 26, meaning that the complaint must be in writing, signed, refer expressly to a ratified Convention and have been submitted by either a member State or a delegate of the Conference. Second, the Governing Body had before it the considerations of the Officers about receivability, recommending a certain course of action; it was not a final decision. Third, with regard to suggestions that the same course of action should be taken as that for the complaint concerning non-observance of Conventions Nos 26, 87 and 144, for the sake of consistency, he pointed out that, in that case, exactly the same type of document had been before the Governing Body in November 2015, with a recommendation that it should be considered receivable, and members had decided to follow the Officers' recommendation to transmit the complaint to the Venezuelan Government, set

a timeline for comments and take up the complaint at the subsequent session. What was being proposed in the present case was exactly the same; thus, there was consistency.

381. *A Government representative of the Bolivarian Republic of Venezuela* said that paragraph 46 of the introductory note to the *Compendium of rules applicable to the Governing Body of the International Labour Office* stated that consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question. His Government and other governments had presented arguments on the non-receivability of the complaint and had also stated that they did not support the draft decision. Nevertheless, the decision had been adopted without taking into account the broad opposition to it, and therefore without tripartite consensus. The Government of the Bolivarian Republic of Venezuela expressed its disappointment at the procedure owing to a lack of regulations on article 26 of the ILO Constitution and its legal interpretation. It wished to place on record that the decision had been adopted without tripartite consensus.

Decision

382. *The Governing Body decided:*

- (a) to request that the Director-General transmit the complaint to the Government of the Bolivarian Republic of Venezuela inviting it to communicate its observations on the complaint by 10 January 2017;*
- (b) to include this item on the agenda of its 329th Session (March 2017).*

(GB.328/INS/18/2, paragraph 11.)

Third report: Representation alleging non-observance by Costa Rica of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention, 1971 (No. 135), made under article 24 of the ILO Constitution by the Rerum Novarum Confederation of Workers (CTRN), the Costa Rican Workers' Movement Confederation (CMTIC), the Unitary Confederation of Workers (CUT) and the Juanito Mora Trade Union Confederation (CSJM)
(GB.328/INS/18/3)

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

Decision

383. *On the recommendation of its Officers, the Governing Body decided that the representation was receivable and, by virtue of article 3(2) of the Standing Orders, since the representation related to a Convention dealing with trade union rights, referred it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution.*

(GB.328/INS/18/3, paragraph 5.)

Fourth report: Representation alleging non-observance by Brazil of the Collective Bargaining Convention, 1981 (No. 154), and the Labour Inspection Convention, 1947 (No. 81), made under article 24 of the ILO Constitution by the Central Organization of Workers of Brazil, the General Confederation of Workers of Brazil, the Single Central Organization of Workers, Força Sindical, the New Central Union of Workers, the General Union of Workers and the Confederation of Brazilian Trade Unions
(GB.328/INS/18/4)

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

Decision

384. *On the recommendation of its Officers, the Governing Body decided that:*

- (a) the representation was not receivable in respect of Convention No. 81;*
- (b) the representation was receivable in respect of Convention No. 154 and, by virtue of article 3(2) of the Standing Orders, since the representation relates to a Convention dealing with trade union rights, referred it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution.*

(GB.328/INS/18/4, paragraph 5.)

Fifth report: Representation alleging non-observance by France of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Autonomous Federation of Professional Firefighters and Administrative, Technical and Specialized Staff (FA/SPP-PATS) (GB.328/INS/18/5)

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

Decision

385. *On the recommendation of its Officers, the Governing Body decided that the representation was not receivable.*

(GB.328/INS/18/5, paragraph 5.)

Sixth report: Request by the Palestinian Authority to send an observer delegation to attend the 16th Asia and the Pacific Regional Meeting (GB.328/INS/18/6)

386. *Speaking on behalf of the Africa group, a Government representative of Ghana said that her group supported the draft decision.*

Decision

387. *The Governing Body authorized the Director-General to issue an invitation to the Palestinian Authority to send an observer delegation to attend the 16th Asia and the Pacific Regional Meeting (Bali, 6–9 December 2016).*

(GB.328/INS/18/6, paragraph 3.)

Nineteenth item on the agenda

Composition and agenda of standing bodies and meetings ([GB.328/INS/19](#))

Decisions

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

388. *On the recommendation of its Officers, the Governing Body reappointed, for a period of three years, the following members of the CEACR:*

- *Mr Mario Ackerman (Argentina);*
- *Ms Leila Azouri (Lebanon);*
- *Ms Graciela Josefina Dixon Caton (Panama);*
- *Mr Raymond Ranjeva (Madagascar).*

(GB.328/INS/19, paragraph 1.)

Meeting of Experts to Adopt Guidelines on Decent Work and Socially Responsible Tourism
(Geneva, 20–24 February 2017)

Invitation of intergovernmental organizations

389. *Speaking on behalf of the Africa group, a Government representative of Sudan proposed adding the United Nations Social Development Network (UNSDN) to the list of intergovernmental organizations to be invited. The proposal was accepted.*

Invitation of international non-governmental organizations

390. *On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:*

- *International Hotel and Restaurant Association (IH&RA);*
- *International Tourism Partnership (ITP);*
- *International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF);*
- *UNI Global Union;*
- *World Travel and Tourism Council (WTTC).*

(GB.328/INS/19, paragraph 5.)

Tripartite Meeting on Improving Employment and
Working Conditions in Health Services
(Geneva, 24–28 April 2017)

Invitation of international non-governmental organizations

391. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:

- ***European Federation of Public Service Unions (EPSU);***
- ***European Hospital and Healthcare Employers' Association (HOSPEEM);***
- ***International Committee of the Red Cross (ICRC);***
- ***International Commission on Occupational Health (ICOH);***
- ***International Confederation of Midwives (ICM);***
- ***International Council of Nurses (ICN);***
- ***International Hospital Federation (IHF);***
- ***International Pharmaceutical Federation (FIP);***
- ***NGO Forum for Health;***
- ***Public Services International (PSI);***
- ***Safeguarding Health in Conflict Coalition;***
- ***UNI Global Union;***
- ***World Dental Federation (FDI);***
- ***World Federation of Public Health Associations (WFPHA);***
- ***World Medical Association (WMA).***

(GB.328/INS/19, paragraph 12.)

Tenth European Regional Meeting
(Istanbul, Turkey, 2–5 October 2017)

Invitation of international non-governmental organizations

392. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:

- ***Business Europe;***
- ***European Trade Union Confederation (ETUC);***

- *General Confederation of Trade Unions (GCTU);*
- *Global Apprenticeships Network (GAN);*
- *World Association of Investment Promotion Agencies (WAIPA).*

(GB.328/INS/19, paragraph 17.)

Appointment of Governing Body representatives
on various bodies

Tripartite Meeting on Improving Employment and
Working Conditions in Health Services
(Geneva, 24–28 April 2017)

393. *The Workers' group was not in a position to nominate a Governing Body representative, who would also chair the above Meeting. The group would inform the secretariat when it had identified a representative.*

(GB.328/INS/19, paragraph 18.)

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Outcome 3: Creating and extending social protection floors (including the flagship programme) ([GB.328/POL/1](#))

394. *The Employer spokesperson* underlined the shared conviction that social protection systems are essential to combat poverty, increase household consumption, enhance domestic demand and support profitable growth. That conviction has been reflected in the Social Protection Floors Recommendation, 2012 (No. 202), the plan of action adopted by the Governing Body and the 2030 Agenda. Social partners needed to be involved in implementing social protection floors and further capacity building would be required. Establishing progressive social protection systems and reforming existing systems while ensuring that they remained sustainable was only possible with the full participation of the social partners.
395. With regard to the implementation of outcome 3, it was important to ensure that the technical and advisory services and capacity building provided under area 2 to ministries, did not widen the gap between employers and workers. In that context, the International Training Centre of the ILO courses and initiatives were welcome. The social partners must be technically prepared and able to participate in the development and implementation of social protection systems. In addition, building and strengthening partnerships as envisaged under area 5 would facilitate the sharing of knowledge and best practices, in the spirit also of the Global Business Network for Social Protection Floors.
396. Much remained to be done to make social protection systems economically and environmentally viable and reflective of current realities. The focus appeared to be on social protection floors and the extension of coverage rather than on the reform of systems and extension of benefits. The Office should strike a better balance between those two issues. It should provide more information on reforms of retirement or maternity plans, among others, and efforts to modernize the management of existing social protection floors.
397. With regard to the flagship programme on building social protection floors for all, which would change the lives of millions of people, employers' organizations must be actively included from the outset. A capacity-building programme for the social partners in target countries must be envisaged. Beyond the current strategy, a broader reflection on the future of social protection policies was needed on how to make social protection floors sustainable, how to promote and extend social protection while promoting decent jobs and how to meet the social protection needs related to new forms of work. His group supported the draft decision.
398. *The Worker spokesperson* said that the four basic social security guarantees remained to be achieved for much of the world's population. He welcomed the Office's work to extend social protection. He noted how the adoption of Recommendation No. 202 had reconfirmed the importance of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and encouraged States to consider its ratification. The substantial increase in ratification rates of Convention No. 102 further showed the direct relationship between promotion

efforts and technical assistance provided by the Office. The integrated approach, addressing both the horizontal and vertical dimension of social protection, as adopted in 2012 was critical for the long-term development of social protection. It was important to ensure that social protection floors did not become ceilings, and that social protection encompassed the informal economy. Recommendation No. 202, Convention No. 189 and Recommendation No. 204 were crucial instruments in that regard.

399. The prominent role of social protection floors in the SDGs gave the ILO a unique opportunity to lead social protection promotion within the UN system. Social protection was one of the best defined priorities in the ILO, and undoubtedly an area where the ILO has the potential to lead and to make a difference, building on its rich body of standards and established expertise in that field, and to become an international centre of excellence. Social protection should be a priority area for future work and resource allocation should be increased, including through the mobilization of additional voluntary contributions.
400. His group welcomed the proposed participatory approach of the flagship programme, which would involve other organizations, but emphasized that outreach to other organizations in line with Recommendation No. 202 should broaden support for social protection, not replace workers' and employers' organizations. His group stood ready to contribute to the global tripartite advisory committee called for by the Governing Body in November 2015. The Office's goal of extending social protection to an additional 130 million people represented a mere 2 per cent of the world's population. The world was too rich not to have social protection floors and their establishment was socially desirable, economically possible and politically necessary.
401. The rise of austerity policies and policy changes in some countries put achievements realized in recent years at risk. The burden of the economic crisis needed to be shared fairly, with the major companies which benefited from globalization contributing to the funding of social protection floors. The ILO should intensify its evidence-based advocacy work and underline the indispensable nature of social protection for social justice, social peace, equal opportunity and inclusive societies. Extension strategies should include all categories of workers, including digital and sharing economy workers and vulnerable groups such as domestic workers, workers in non-standard forms of employment and in the informal economy.
402. Broad-based political support among constituents and in society was essential for the extension of social protection. The ILO should prioritize policy guidance and advocacy work and strengthen the capacity of workers' organizations and other relevant and representative organizations of people concerned to support extension of social protection. The ongoing initiative to mobilize workers' organizations on social protection, freedom and justice and the Global Business Network for Social Protection Floors were positive developments. The Office should help businesses to contribute to universal social protection while ensuring that the Organization's prestige was not exploited for a corporate social responsibility public relations exercise. The ILO should take advantage of its upcoming centenary and the SDGs to lead and shape the global debate, highlighting the crucial role of social protection for an open global economy and providing a credible alternative to unequal globalization. He supported the draft decision.
403. *Speaking on behalf of ASPAG*, a Government representative of India commended the ILO on the significant footprints it had created in the global policy discourse and said he looked forward to the ILO's leadership in capacity-building and research-based activities to support national policy-making. While Governments had the primary responsibility to provide social protection, the current demographic and labour market context presented challenges requiring innovative policy measures including for the extension of social protection to informal and migrant workers. The Office should increase its efforts to disseminate best

practices and solutions among stakeholders. He welcomed the inclusion of eight Asian countries in the flagship programme and looked forward to its implementation. ASPAG supported the draft decision.

- 404.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho commended the Office on its strategic approach and areas of intervention and noted the progress made to date. The ILO should provide technical support to address the remaining social protection gaps and implementation challenges. His group appreciated the work done under the DWCPs and noted other efforts at the regional and international levels. The promotion of social protection to eradicate poverty was a priority under the African Union's Agenda 2063. Further support was needed to integrate social protection floors into national strategic plans and to support their implementation in line with international development frameworks. The Office should promote the ratification and implementation of Convention No. 102 and Recommendation No. 202 and maintain its leadership role in social protection through building strategic partnerships with other organizations. A social security school had been opened in Algeria with support from the ILO; his group wished to see the Organization supporting similar initiatives, in addition to mobilizing and allocating more resources towards the flagship programme. His group supported the draft decision.
- 405.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following candidate countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; Norway, member of the European Free Trade Association and the European Economic Area; and Georgia. The ILO had assumed a leading role in the development and implementation of social protection floors and contributed to the paradigm shift from considering social protection floors as a privilege to acknowledging them as a fundamental right. In order to ensure that social protection systems were sustainable and responsive to facing modern challenges, the EU and its Member States were conducting consultations on a social pillar. His group also supported many countries through development cooperation to strengthen social protection systems and create decent jobs. Access to adequate benefits, including services for all, was of particular importance. His group encouraged the Organization's work to upgrade its evidence-based policy knowledge on pensions, health and long-term care and commended its work on financial governance for building sustainable systems. His group encouraged the ILO to continue forging partnerships with international organizations and agencies, particularly in the context of the 2030 Agenda and welcomed the global partnership generated by the Universal Social Protection Initiative. A number of EU Member States had expressed support for the flagship programme. His group supported the draft decision.
- 406.** *Speaking on behalf of GRULAC*, a Government representative of Panama recalled that the concept of social protection floors had first been formally established in Recommendation No. 202. In the light of the Decent Work Agenda and the 2030 Agenda, to both of which social protection was central, the ILO should reaffirm and strengthen its leadership role. His region had been a pioneer in the development of social protection systems and 22 countries in the region were currently developing systems in line with Recommendation No. 202. He urged the Office to pursue efforts that would result in a real impact in the context of the Social Security Plan of Action 2011–19, in particular to consolidate partnerships with other organizations and stakeholders at all levels. His group supported the draft decision.
- 407.** *A Government representative of France* said that his country shared the Office's vision on the importance of social protection floors, without which development was not sustainable, in the context of the achievement of the SDGs. His Government had participated actively in the development and adoption of Recommendation No. 202 and supported the corresponding flagship programme, including the Global Business Network for Social Protection Floors. The French Government and development agencies also provided support to the Social

Protection Inter-Agency Cooperation Board (SPIAC-B) for the development of joint initiatives and evaluation tools and the ILO–World Bank Universal Social Protection Initiative.

- 408.** *A Government representative of Argentina* said that the strengthening of social protection floors was indispensable to national development strategies and that the 2030 Agenda had drawn attention to their importance. His Government had ratified Convention No. 102 and implemented a number of institutional and legislative measures, including extending family allowances to people in temporary employment and ensuring universal pension coverage for those over 65 years. He encouraged the Office's initiative to incorporate gender in the design of policies and to extend coverage to informal economy workers, migrants and other groups. In order to advance in that area, his Government had also ratified the Ibero–American Multilateral Agreement on Social Security.
- 409.** *A Government representative of China* said that with a view to establishing more sustainable social protection, his Government had extended coverage and established a social security framework. A feasibility study regarding the ratification of Convention No. 102 was under way and his Government looked forward to exchanging best practices with other member States. His Government supported the five intervention areas and expressed the hope that the ILO would concentrate its resources on outcome 3 and the corresponding flagship programme. He invited the ILO to continue its work on policy analysis, statistics and training with the ITC–ILO, as well as cooperation with UN and other organizations and enhance policy coordination at the national level.
- 410.** *A Government representative of India* noted that the ILO strategy promoted implementation through DWCPs in line with the SDGs which was critical to ensure nationally appropriate interventions. Her country was currently the fastest growing economy in the world with the largest informal workforce, including self-employed and migrant workers. Over recent years, the extension of social security to all had been given priority in the national budget. Various reforms had been initiated to improve social protection, including by implementing a programme to universalize health coverage, creating bank accounts to guarantee delivery of benefits, and improving maternity benefits. The BRICS countries had further agreed to work on concluding social security agreements to ensure the portability of social security and meet the principles of fair migration. She expected the ILO to provide capacity-building services to stakeholders and policy-makers. Her Government supported the draft decision.
- 411.** *A Government representative of Ethiopia* said that her country welcomed the Office's commitment, strategy and implementation mechanisms to support member States in their efforts to make social protection floors a reality and contribute to the achievement of the SDGs. It trusted that the Office would continue to expand its support to include other member States under the flagship programme in following years. Her country's social protection policy sought to reduce poverty and address inequalities. The time had come to draw lessons from global initiatives on how to transform national social protection strategies into action to achieve sustainable development. Successful social protection practices could be replicated and scaled up elsewhere. Her delegation encouraged the Organization to further strengthen its coordination with other development partners as it improved programmes at the country level. She supported the draft decision.
- 412.** *A Government representative of Colombia* said that one of the primary objectives of his Government was the creation of more and better quality jobs. To that end, a strategy had been developed, with the support of the ILO and the Spanish Agency for International Development Cooperation, which had led to a reduction in informal work and the creation of new jobs. In order to address formalization of the rural economy, a policy would be designed, with the support of the Office, to guarantee social protection to rural workers, which would contribute to securing comprehensive peace.

413. *A Government representative of Japan* said that it was particularly important to promote the establishment and extension of social protection schemes in developing countries. His country supported relevant activities through the ILO/Japan Fund for Building Social Safety Nets in Asia and the Pacific (SSN Fund). It was crucial that country support was provided in conjunction with a DWCP and was adapted to the socio-economic situation of the country, and that the importance of formalization was taken into account. He expressed the hope that the Office would continue efforts to effectively disseminate its social protection policies among member States. He supported the draft decision.
414. *A Government representative of the United Republic of Tanzania* said that her Government would appreciate further ILO technical support for reforms to enhance the governance and improve the coverage of social security schemes in her country. The major social protection gaps identified in the *World Social Protection Report* meant that it was vital to design and implement policies that would achieve tangible results. Hence the flagship programme should encompass many countries, especially developing countries. She supported the draft decision.
415. *A Government representative of the United States* said that her Government valued the ILO's work in the area of social protection and believed that ILO assistance to member States to implement social protection strategies, analyse legal frameworks and develop good financial governance was key. She requested information on progress in relation to the results criteria of the programme and budget and wondered what implications the six-and-a-half-year implementation period of the flagship programme would have for the reportable results listed under the indicators. She commended the Office's work to enhance the knowledge base and providing benchmarks for assigning progress including through the Social Security Inquiry. The ILO could play a crucial role in assisting member States to build their statistical capacities in order to inform their efforts to achieve the SDGs and to enable them to measure progress. Since the Office's partnerships with other relevant institutions had leveraged expertise to the benefit of member States, those efforts should be pursued. She welcomed the Office's recognition that the primary responsibility for the delivery of social protection lay with States and she supported the draft decision.
416. *A Government representative of Mexico* underlined the importance of introducing and improving programmes establishing minimum levels of social protection and highlighted his Government's pioneer national solidarity programme of 1989. He welcomed the Office's efforts to update the Social Security Inquiry survey and database. It called on the Office to better disseminate the guidance emanating from the SPIAC-B and recognized the work on the various guides undertaken with the International Social Security Association (ISSA). His Government believed that the implementation and adequacy of social protection floors, would benefit from the formulation of specific guidelines including on the complementarity of contributory and non-contributory systems as well as from the provision of guarantees concerning their financial sustainability. The Office should pursue the lines of action mapped out in the document under consideration. He encouraged the Director-General to continue to actively promote the creation and extension of social protection floors in cooperation with other international organizations. He supported the draft decision.
417. *A Government representative of the Russian Federation* stated that the ILO's discussion on social protection floors was extremely important. Her country had developed a social protection system that encompassed a wide section of the population. Among many other examples, social benefits had increased one-and-a-half-fold over the previous three years. Some benefits, such as family allowances, were paid irrespective of recipients' income. Maternity benefits had almost doubled and pensions and other benefits were inflation-indexed. Indicators to reduce poverty, steps to increase social protection floors and the provision of social assistance were defined in the Citizens' Social Support programme adopted by her Government in 2014. She endorsed the ILO's strategy and the draft decision.

418. *A representative of the Director-General (DDG/P)* said that many countries had clearly established impressive social protection systems regardless of their level of economic development. The ILO's ambition, as recognized during the discussion, was to become the leader in the area of addressing the horizontal and the vertical dimensions of social protection, using Recommendation No. 202 among others, as its roadmap to that end. The technical assistance provided by the Office built on social dialogue, an important element of the strategy. The Office supported countries in finding fiscal space and continued to make the case with the G20 and others concerning the importance of social protection particularly in these challenging times. The evolution of the employment relationship presented further ongoing challenges and work on social protection for formal and informal workers was an area of emphasis. The ILO was also helping governments make their systems more sustainable through evidence-based policy-making and was endeavouring to respond to the numerous requests for assistance, inter alia by forging partnerships, such as with the World Bank. It would continue to give priority to building the statistical capacity of member States.
419. *A representative of the Director-General (Director, Social Protection Department (SOCPRO))* explained that the flagship programme covered three five-year periods up to 2030. With regard to the indicators, they measure the number of countries that adopt strategies, schemes or governance reforms, in line with the programme and budget outcome indicators. Additionally the flagship will measure the impact on people. The flagship programme focused on 21 countries, whereas outcome 3 in the programme and budget covered a larger set of countries.
420. *The Employer spokesperson* said that his group was happy with the consensus reached and would join in efforts to advance the programme.
421. *The Worker spokesperson* said that he was encouraged by the unanimous consensus on the importance of social protection because it was socially necessary, economically and fiscally feasible and politically responsible to guarantee social protection as a human right. Social protection should be extended to new and non-standard forms of employment. More resources should be allocated to outcome 3.

Decision

422. *The Governing Body requested the Director-General to take account of its guidance in further implementing the strategy for outcome 3 of the Programme and Budget for 2016–17.*

(GB.328/POL/1, paragraph 53.)

Second item on the agenda

Outcome 4: Promoting sustainable enterprises (GB.328/POL/2)

423. *The Worker spokesperson* thanked the Office for work done under outcome 4. The conclusions reached at the 96th Session of the International Labour Conference concerning the promotion of sustainable enterprises should continue to guide the Office's work on that subject. The group attached great value to an enabling environment for sustainable enterprises and inquired about progress of the assessment of the EESE programme, emphasizing the need to incorporate input from the social partners in that process. As in previous biennia the focus on activities had been too narrow, and the social pillar had not been sufficiently addressed; his group sought assurances that the five areas of work of the

strategy would henceforth be implemented in a more balanced manner, in particular by paying more attention to the potential of collective bargaining to improve working conditions, by conducting research into the impact of social dialogue and collective bargaining on working conditions in SMEs and by providing capacity development for SMEs on collective bargaining.

424. The new product offering advice on enterprise formalization should be fully aligned with Recommendation No. 204, and should also focus on formalizing jobs. Better engagement with trade unions at the country, sectoral and shop-floor levels would help to improve productivity and working conditions. He welcomed the strategy for improved engagement with trade unions in the SCORE programme. Concerning value chain development, a closer look should be taken at the pressure which MNEs and buyers exercised on the supply chain and the effects thereof on working conditions and the quality of jobs. He wished to know how many jobs had been created as a result of entrepreneurship training, and asked what the quality of the jobs created in high-growth SMEs, including the share economy, was and whether such enterprises were economically, socially and environmentally sustainable. Were the new interventions also aimed to improve working conditions and promote decent work.
425. His group appreciated the work on MNEs and asked the Office to take into account in its work the conclusions of the 2016 Conference discussion on global supply chains. He asked what countries had benefited from country-level assistance to apply the principles of the MNE Declaration and indicated that greater attention should be paid to the responsibility that MNEs bore for sustainable growth in the countries where they operated and more synergies should be built into country-level activities between MNEs and SMEs. He asked how good practices in respect of collective and framework agreements and industrial relations would be incorporated into outcome 4 activities.
426. More work should be done on developing and promoting investment criteria from a social perspective. Training activities under the Green Jobs Programme should be actively promoted and the guidelines for a just transition should also be promoted in the context of partnership initiatives. The Office was requested to continue its work on cooperatives which was highly appreciated. However, public sector enterprises and social economy enterprises needed to be factored into the strategy and the work on social and solidarity economy (SSE) legislation and policies should be extended to other countries. Outcome 4 should prioritize interventions related to the social pillar that might substantially improve working conditions. He supported the draft decision in paragraph 39.
427. *The Employer spokesperson* said that his group fully supported the three main goals under outcome 4 and was pleased with the progress of work on the EESE. Stronger links should be forged between the assessment of the EESE and the ILO's work on employment and quality-of-work policies. Moreover, constituents should be helped to build their capacity to identify, implement and monitor the requisite reforms. In addition, the Office should provide feedback on progress achieved on the overall indicators, rather than on isolated results criteria. A deep involvement led by constituents was also needed to achieve results. The Employers appreciated efforts to embed the SCORE programme in national programmes for SME development and in supplier development agreements. However, additional budgetary and extra-budgetary resources were required to meet the rising demand for SCORE initiatives.
428. The best way to promote the MNE Declaration was to offer country-level support to tripartite constituents on the application of its principles. However, the development of toolkits, self-assessment tools and policy briefs should be postponed until the updated Declaration has been adopted by the Governing Body in March 2017. He asked how many companies attended the ITC-ILO training modules. If the participation rate was low, it might be

advisable to devise alternative formats with ACT/EMP. Recognizing the ILO Helpdesk for Business as a huge success, he expressed the hope that it would become a one-stop-shop providing companies and constituents with information about country-specific risks, national labour laws and occupational health and safety regulations.

429. Concerning the Green Jobs Programme, the Office should advocate the integration of decent and productive work in the Green Initiative. He asked what impact the Programme had had on green business opportunities for potential and existing entrepreneurs. An assessment of lessons learned from the implementation of the *Guidelines for a just transition towards environmentally sustainable economies and societies for all* in pilot countries was needed before expansion to additional countries was considered. Outcome 4 should be more ambitious and additional resources should be allocated in the programme and budget to implement its programmes, especially SCORE and, eventually, the EESE.

430. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that it was crucial to enable member States to promote an environment conducive to the growth of sustainable enterprises and the creation of decent and productive work. More country-level support was needed to train additional trainers on ILO programmes. Member States also required technical support to harmonize trade and labour policies in order to create more jobs, to integrate programmes such as SCORE into their national SME development plans and to teach young people the skills which they needed to obtain safe employment with social protection in the green economy. The Office should also help constituents to assess best practice in SME development. The Africa group supported the draft decision.

431. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Turkey, Montenegro, Serbia, Albania, Norway and Georgia aligned themselves with the statement. The private sector should contribute more to inclusive economic growth, the creation of decent jobs, the transition to a green economy and the social and economic empowerment of women and youth, with a particular focus on the poorest and most vulnerable. The ILO should pay more attention to women, young people and vulnerable groups in its action with regard to SMEs. With regard to MNEs, he requested more information on the volume of country-level assistance and training, including to the ILO Global Network of MNE Declaration focal points, and on the work of the Helpdesk for Business. Concerning the promotion of cooperatives, he asked for information on the latest trends in requests from constituents and actions taken by the Office. Further consideration should be given to interventions directed to the social economy. Promotion of the 2015 *Guidelines for a just transition* and activities related to green jobs were welcomed. Consideration should be given to linking outcome 4 with action on the follow-up to the resolution adopted at the 105th Session of the International Labour Conference concerning decent work in global supply chains, as well as with action related to corporate social responsibility and business and human rights and the activities forming part of the Enterprises Initiative. Cooperation with other agencies on international initiatives to foster sustainable enterprises should be increased. His group supported the draft decision.

432. *Speaking on behalf of ASPAG*, a Government representative of Australia said that due consideration should be given to the conclusions reached at the 96th Session of the Conference concerning the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189). Her group supported the various ILO programmes which promoted sustainable enterprises and considered that the Office should scale up measures to promote cooperatives worldwide and other SSE enterprises as part of the Future of Work Initiative. Resolution III adopted at the 19th International Conference of Labour Statisticians in 2013 provided a good basis for gathering quality data and obtaining reliable statistics on cooperatives. The Office should help constituents to improve their capacity to gather and process statistics in cooperation with other relevant international bodies. The greatest challenge to SMEs was to boost productivity while adopting sustainable and responsible

workplace practices. A set of tailor-made indicators providing greater insight into the challenges faced by SMEs was needed in order to measure their sustainability. Innovative training courses to develop the skills of potential and existing entrepreneurs were needed, as was access to finance, in order to facilitate their access to green business opportunities. ASPAG supported the draft decision.

433. *A Government representative of Argentina* said that his Government had taken measures to generate wealth and quality employment through the development of sustainable enterprises. While establishing the requisite conditions for investment was important, a country's recovery must be a joint effort between enterprises, workers and the Government. Employers must bear risks, invest, accept competition, innovate and create quality jobs, workers must be professional and efficient and the State must create an environment conducive to capital development and the fair distribution of wealth. Those conditions were essential for the achievement of SDG 8.
434. *A Government representative of the United States* while welcoming progress under outcome 4, asked how many of the participants in the SIYB programme had been women. New interventions to foster high-growth SMEs should focus on promoting decent work and not just productivity. She welcomed the new EESE programme component offering advice on formalization to SMEs. As her Government was a strong advocate of knowledge generation to inform policy-making, she asked what progress had been made with the five new impact assessments and when the results would be available. Strategic partnerships with other international organizations and other key organizations to further employment and decent work in SMEs would allow the ILO to build on its core competencies and extend the reach of effective programmes. She requested further information on how the Office's green jobs efforts promoted sustainable enterprises and supported the achievement of outcome indicators. Her Government supported the draft decision.
435. *A Government representative of India* asked who would lead implementation of the Enterprises Initiative in the field and whether governments or private sector entities would be responsible for creating an enabling business environment; how major stakeholders in the global value chain had responded; and how the challenges faced by micro-enterprises would be addressed. Within the spectrum of SMEs there were different challenges and strengths; and policy responses should vary accordingly. The ILO Initiative should be adapted to countries' needs and incorporated into national programmes. The success of outcome 4 and of the Enterprises Initiative would depend largely on the voluntary participation of employers. Appropriate assistance, including with technology transfer and accountability along the value chain, would be needed. The review of the MNE Declaration would highlight those. He supported the draft decision.
436. *A Government representative of Brazil* said that he welcomed the new component of the EESE programme on the formalization of informal SMEs and the reference to expanded business support services for potential and existing entrepreneurs. The review of the MNE Declaration would show how businesses could be involved in implementation of the SDGs. While decent work and decent job programmes that took environmental sustainability into account were welcome, terms such as "the green economy", "green growth" and "green jobs" did not reflect the integrated and balanced approach enshrined in the 2030 Agenda, which included the economic, social and environmental dimensions of development. He supported the draft decision.
437. *A Government representative of China* said that outcome 4 was an important tool for promoting private sector investment, innovation and inclusive development under the 2030 Agenda. His Government supported the promotion of green economic development within the UN framework, welcomed the introduction of green courses by the ITC-ILO and looked forward to improved forms of entrepreneurship training.

438. *A Government representative of the Russian Federation* underscored the importance of increasing investment attractiveness, improving the business climate and creating a favourable environment for sustainable enterprises. To that end, priority should be given to new business community initiatives, law enforcement practices and interaction with business representatives. Her Government was implementing a number of measures with the aim of developing workers' vocational skills, creating a mechanism to ensure the legal regulation of public-private partnerships providing financial support to SMEs and providing information and advice to SMEs. She welcomed the approach under outcome 4, aimed at producing more knowledge on the effectiveness and cost-efficiency of SME interventions, and endorsed the draft decision.
439. *A representative of the Director-General (DDG/P)* said that the work on outcome 4 was carried out within the framework of the Decent Work Agenda and was based on an empirical foundation of what had worked previously. While improved productivity and working conditions were intertwined, the Office understood the unique challenges faced by SMEs and the importance of designing programmes to address them. The work of the ILO capitalized on its comparative advantage of tripartism. The ILO had increased its engagement with the SSE and the cooperative movement in order to shape an enabling environment in light of the future of work and the evolving employment relationship. The Office was endeavouring to scale up the SCORE programme within the available resources, intended to improve the Helpdesk for Business and was developing its capacities in order to ensure that environmental sustainability went hand in hand with improved working conditions and a more enabling environment.
440. *A representative of the Director-General (Director, ENTERPRISES)* said that the Office intended to step up its work on matters related to productivity and its cooperation with other agencies and had taken note of the Employers' request for information on the relevant indicators. Once the requested feedback on the EESE programme review had been received, it would involve the social partners. Support programmes were required to report on how they had reached out to women and increased their participation. Some entrepreneurship development and training programmes were aimed exclusively at women and young people; a recent evaluation conducted jointly by the ILO and the World Bank showed that such interventions had a greater impact than vocational training or wage subsidies in low- and middle-income countries. The ILO offered entrepreneurship training for refugees, but further work was needed in that area. A forthcoming tracer study showed that an estimated 9 million jobs had been created under the SIYB training programmes over the past 15 years; monthly incomes and employment rates had increased by up to 50 per cent and 50 per cent of the trainees were women. Impact assessments would be made available by the end of the current biennium. It would be premature to comment on the quality of employment in high-growth SMEs.
441. The review of the MNE Declaration had begun. Development cooperation projects in Asia and Africa were being funded by Japan and France, respectively; EU-funded projects on corporate social responsible supply chains in Asia were under discussion; and finalization of the global resource kit and tools was on hold pending the outcome of the review. Although training courses for constituents were funded by the Multinational Enterprises Unit, they were carried out in conjunction with ACT/EMP and ACTRAV. The ILO Helpdesk for Business had registered a high number of visitors over the past year and had converted 180 inquiries into general questions and answers.
442. The Office had taken note of the requests to take public and social enterprises and the link between cooperatives and the future of work into account. It had developed an overview of international experience and strategies for job preservation through cooperatives; was working on cooperative and entrepreneurship initiatives for refugees, youth and women; and

would follow up on the resolution adopted at the 19th International Conference of Labour Statisticians.

- 443.** Concerns about the use of “green” terminology would be taken into account. Green jobs, green business and just transition initiatives had been introduced in several countries. The guidelines requested by the United Nations Framework Convention on Climate Change (UNFCCC) secretariat had been introduced at a workshop held in Qatar and would be presented at the Marrakech Climate Change Conference. Because the guideline principles had been adopted without funding, extra-budgetary options were being explored in order to proceed with pilot applications.
- 444.** *The Worker spokesperson* stressed that there was no contradiction between productive employment and decent work. The Office should take the conclusions concerning global supply chains, adopted at the 105th Session of the Conference (2016), into account in its work.
- 445.** *The Employer spokesperson* said that there was a pressing need for resources to support delivery of the SCORE and EESE programmes.

Decision

- 446.** *The Governing Body requested the Director-General to take account of its guidance in further implementing the strategy for outcome 4 of the Programme and Budget for the biennium 2016–17 on promoting sustainable enterprises.*

(GB.328/POL/2, paragraph 39.)

Third item on the agenda

Labour-related provisions in trade agreements:

Recent trends and relevance to the ILO

([GB.328/POL/3](#))

- 447.** *The Employer spokesperson* said that the research undertaken was relevant and pertinent. However, the report wrongly implied that globalization and trade were a source of income inequality and adverse labour market outcomes; with global market integration, the developing countries had raised their share of total world exports and the absolute poverty rate had decreased substantially. While inequality and non-standard forms of employment within countries had grown, it was not clear that globalization per se was the driver.
- 448.** He pointed out that the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, established that labour standards should not be used for protectionist trade purposes and the comparative advantages of countries should not be called into question. Also, all countries must respect, promote and realize the fundamental principles and rights at work. A similar reasoning was found in the 2030 Agenda that expressly recognized trade liberalization as an engine for sustainable development. Any further ILO action should bear in mind the wide variety of labour provisions and follow-up tools, many of which sought to ensure that national labour laws were linked to the fundamental principles and rights at work, rather than pressing for new domestic regulations or reforms.

449. While he welcomed recent efforts to incorporate consultation and dialogue mechanisms to ensure the proper implementation of labour provisions, local social partners must be involved in cooperation activities from the beginning and governments needed to allocate additional resources, including for capacity building. The ILO had a role to play in providing advice on how those references could be best integrated in trade agreements in following the implementation of those clauses, upon request of the member States. The ILO's contribution to development cooperation and technical assistance initiatives should reinforce good governance, reflect tripartite consensus, respect countries' right to choose their own labour relations models and ensure participation of the social partners.
450. The Office should continue to collect and analyse information and build further partnerships with international organizations. Workers' and employers' organizations should be more involved in project implementation and should be notified of any ILO assistance requested, informal exchanges held, guidance provided and the impact thereof. The Employers' group supported the draft decision.
451. *The Worker spokesperson* said that his group had long-standing concerns with trade liberalization. While the report noted that trade and investment liberalization could lead to job loss and income inequality, there was widespread outside evidence of their adverse impact on decent job creation, industrial development, universal access to public services, social protection, environmental standards, financial stability and workers' rights as well. He noted that regional integration required more than just a reduction in trade barriers; it also needed to address political, social, cultural and environmental issues.
452. While labour provisions had had a positive impact on law and practice, they could be improved based on an evaluation of the most effective approaches. According to him, trade agreements that included enforcement mechanisms and substantive labour standards and allowed for consultation with stakeholders had more credibility and leverage. The Office should place greater emphasis on research on the impact on employment and decent work of new, complex trade agreements with far-reaching implications, but also on how ILO instruments are referred to more specifically in trade agreements and how they could be better enforced. His group was concerned about investment agreements that allowed companies to sue States and about the limited transparency in the negotiation of trade and investment agreements. For example, the negotiations on the Trade in Services Agreement (TiSA).
453. Trade and investment negotiations should be subject to genuine, transparent and democratic processes involving the social partners; good practices on trade union participation should be studied and disseminated; and transnational coalitions of trade unions should be supported. The Office could help trade unions to organize forums to inform policy-makers regarding trade partners' compliance with agreements. It should also provide more information on the outcomes of the programmes and whether any public submissions were subject to monitoring by the ILO supervisory mechanisms.
454. He requested information on development cooperation programmes and ILO partnerships that could help develop trade union capacity. Assessments by the ILO on compliance should be based on all elements of the supervisory system. Research and policy briefings on trade and investment in relation to employment and decent work and on the treatment of agriculture, investment and services in trade and investment agreements would also be welcomed. The ILO's partnership with the WTO and UNCTAD should be expanded to promote policy coherence, including with respect to research studying the link between foreign direct investment and development and the role of productive integration, focusing on the promotion of decent work. While his group supported the draft decision, capacity building should be included in the technical assistance provided to constituents under paragraph 31(a).

455. *Speaking on behalf of the Africa group*, a Government representative of Lesotho requested the Office to continue to provide the African States with information, technical assistance, and extend support especially in the negotiations and future implementation of the Continental Free Trade Area (CFTA). While acknowledging the importance of labour-related provisions in trade agreements, his group did not support linking labour standards with trade agreements for the purpose of developing protectionist policies that impeded market access. He supported the draft decision.
456. *Speaking on behalf of GRULAC*, a Government representative of Panama said that trade agreements should take into account the political, economic and social context of the countries in which they would be implemented. The Office should assist requesting governments with the implementation of labour-related provisions of agreements. His group supported the draft decision.
457. *Speaking on behalf of the BRICS countries*, a Government representative of India said that at the current stage, fair trade policies should not automatically have to include labour-related provisions. While it was useful for the Office to collect and analyse information on trade agreements that included such provisions, it should focus more closely on capacity building for the social partners. Partnerships with other international organizations must respect the mandates of the entities in question and avoid imposing multiple, and sometimes contradictory, compliance obligations on countries. The report should have indicated the regional concentrations and development levels of the countries that had trade agreements with labour provisions in order to show what was working and where. It was important to bear in mind the established principle that labour standards should not be used for protectionist purposes. He supported the draft decision but emphasized that, in view of the absence of indicators for the implementation of the 2030 Agenda, paragraph (b) must be implemented with due regard for national commitments under the SDGs.
458. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following candidate countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and Norway. She urged the Office to maintain its focus on generating and disseminating knowledge on the relationship between trade and labour. The EU was supporting further research on the effectiveness of labour provisions in trade agreements and a handbook with practical information on the design and implementation of labour provisions in trade agreements and the tripartite constituents' involvement would be published in December 2016.
459. The ILO had a key role to play in providing technical assistance and policy advice and the EU supported the Office's efforts to help EU trade partners to ratify and implement international labour Conventions where appropriate. The EU encouraged the Office to step up its work on labour provisions in trade arrangements in accordance with its mandate to promote the ratification and implementation of international labour instruments and the implementation of the Social Justice Declaration. The ILO should cooperate more closely with other organizations, including UNCTAD, in implementing the 2030 Agenda, which would require the integration of trade and development policies. She supported the draft decision.
460. *A Government representative of Bangladesh* said that the report might usefully have mentioned the decisions taken at the first and fourth Ministerial Conferences of the WTO. More information on how labour-related issues were incorporated into trade agreements and on their relationship to trade would be appreciated. Referring to the ILO Declaration on Fundamental Principles and Rights at Work he said that labour standards should not be used for protectionist purposes and that countries' comparative advantages should not be called into question. Lastly, it was important to view the effect of labour-related provisions on employment and inequality in the trade partners. He urged the Office to continue its research.

461. *A Government representative of Argentina* said that he supported both the inclusion in trade agreements of labour-related provisions in which the parties undertook not to lower labour standards or deviate from labour law to improve their competitive positions, and the use of supervisory mechanisms to ensure the implementation of those provisions. He supported the draft decision.
462. *A Government representative of the United States* said that it was useful to have a solid, empirical body of research on labour provisions of trade agreements. She encouraged the Office, if sufficient resources were available, to hold seminars, distribute copies of its research and develop a short informational handbook on the results of its work. She welcomed further empirical research by the Office on the subject. She supported the draft decision.
463. *A Government representative of Colombia*, in alignment with GRULAC's statement, said that trade agreements should include provisions that protected workers. Explaining measures taken by his Government, he said that his country had signed several such agreements with, among others, the EU and the United States. Also, that improvements had been made in social dialogue, strengthening labour inspectorates, and applying fines to violators of labour standards. He supported the draft decision.
464. *A Government representative of Canada* said that labour provisions in progressive trade agreements supported inclusive and sustainable economic growth, had significant potential to protect workers' rights and brought about improvements in working conditions in global supply chains. The expansion and liberalization of international trade should not occur at the expense of workers' rights. The Office should make widely available the findings of research on the benefits of labour provisions in trade agreements. She supported the draft decision.
465. *A Government representative of Belgium* said that trade agreements containing labour provisions highlighted ILO instruments and provided opportunities for their implementation. The Office had made a valuable contribution to the design and application of labour provisions contained in trade agreements, in accordance with its mandate, and should disseminate its research in that regard within the relevant international forums. She urged the Office to continue research on the topic.
466. *A Government representative of China* referring to the Group of 77, said that trade agreements containing labour clauses played an active role in raising awareness of international labour standards, promoting decent work and achieving inclusive growth. He noted that the role of trade unions and employers in the negotiation and implementation of labour clauses in trade agreements had been enhanced. Bilateral memorandums of understanding had led to improved cooperation on labour issues. Further, the ILO had developed a supervisory mechanism related to labour standards and it was not necessary to apply labour standards by trade sanctions and the ILO is opposed to the use of labour standards for the purpose of protectionism. The international community should adopt a firm stance against all forms of trade protectionism. His Government hoped that the Organization would continue to oppose that labour standards impede trade and investment.
467. *A Government representative of India* considered that the findings on the growing incidence of labour provisions were preliminary and not conclusive. The inclusion of labour standards in trade agreements could lead to the comparative advantages of developing countries being adversely affected and ignored differences in national capacities and contexts. They should not be the norm in trade agreements. The vast majority of trade agreements with developing countries did not contain labour provisions. He noted that the Office should have compared the performance of countries signatories to trade agreements not containing labour provisions to that of countries signatories to trade agreements containing labour provisions. There must be clarity related to the mandates of the Office and the WTO. The WTO

Singapore Ministerial Declaration of 1996, in line with the ILO Declaration on Fundamental Principles and Rights at Work, categorically rejected the use of labour standards for protectionist purposes and emphasized that the comparative advantage of countries must not be put into question. Before the Office adopts a position on the issue, a substantial body of statistics and a database containing regional and other classifications on how the benefits of such agreements were distributed among countries must be developed. The ILO must work with the social partners, in particular the employers, to build capacity and provide assistance with regard to good labour practices and technology transfers. Any conclusions from the research should be deferred in the absence of any specific focused initiative backed by empirical evidence and differing from those already on the table.

- 468.** *A representative of the Director-General (DDG/P)* said that the ILO research was not about the rights and wrongs of trade and globalization, or whether trade agreements should include labour provisions. Those matters were policy issues, to be decided on by the tripartite constituents. The research neither detracted from nor added to the relevant provisions of the ILO Declaration on Fundamental Principles and Rights at Work or the ILO Social Justice Declaration. The research contributed to the knowledge base on labour provisions in trade agreements and would inform policymaking if and when the ILO chose to engage in that area. The research provided three simple but important empirical findings: (1) the inclusion of labour provisions in trade agreements did not decrease or divert trade; (2) they seemed to increase employment rates among women; and (3) they provided opportunities for the involvement of the social partners, in particular regarding changing regulatory frameworks. She acknowledged that the findings generated questions that remained unanswered which could be resolved as the Office continues to build its knowledge base. The Office was ready to provide technical assistance in the form of capacity building for social partners on request by governments and social partners. She acknowledged the request by some speakers to disseminate more widely the research carried out to date, and also highlighted that it provided a basis for future, more comprehensive work on the various aspects of labour provisions in trade agreements.
- 469.** *The Employer spokesperson* said that there was broad alignment on numerous points raised and consensus regarding the draft decision.
- 470.** *The Worker spokesperson* reiterated that there was significant evidence that trade agreements led to increases in informality. It was vital to bear in mind both the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Social Justice Declaration when discussing labour standards and protectionism. Labour standards should not be weakened to gain comparative advantage. Labour provisions in trade agreements must be enforceable. One of the basic ILO principles was that labour was not a commodity. The ILO was the competent body to deal with labour-related issues, including labour provisions in trade agreements. More knowledge and instruments and greater political commitment were required to turn free trade into fair trade through labour provisions in trade agreements, and those labour provisions must be accompanied by enforcement mechanisms.

Decision

- 471.** *The Governing Body requested the Director-General to:*
- (a) continue to collect and analyse information regarding labour provisions in trade agreements and provide technical assistance to constituents requesting support in the context of applying such provisions;*

- (b) develop partnerships with relevant international organizations and others with a view to offering integrated policy advice to constituents regarding the promotion of decent work in the context of trade and investment opening as part of the implementation of the 2030 Agenda; and*
- (c) report periodically to the Governing Body on action regarding trade, investment and decent work for sustainable development.*

(GB.328/POL/3, paragraph 31.)

Fourth item on the agenda

Voluntary peer-review mechanisms of national employment policies

(GB.328/POL/4)

472. *The Worker spokesperson* said that the Office had demonstrated that peer-review processes were feasible and could be successful. In light of the ILO Social Justice Declaration and the tripartite conclusions of the 103rd Session of the Conference (2014) recurrent discussion on employment, the Office has a clear mandate to carry out peer reviews. Peer reviews should be voluntary in nature. They would provide member States with valuable information and mutual learning on employment policies, feed policy development, increase the effectiveness of policies and provide the social partners with the opportunity to engage in the review process and the implementation of recommendations. Further, in order to achieve full, productive and freely chosen employment and decent work, as per the Employment Policy Convention, 1964 (No. 122), governments must do more to assess the impact of national employment policies on employment and decent work outcomes. That would also contribute to ILO's role in the policy coherence debate in the framework of the G20 and the 2030 Agenda. The ILO should therefore develop a universal mechanism for employment policy reviews. He strongly favoured the global review proposed in option 1, which would allow for interregional and country exchanges of views and greater learning opportunities, would be more innovative than existing mechanisms and would reach a wider public. The modalities of the Global Employment Agenda review process could be examined and strengthened for use as part of the new review process.
473. While favouring implementation of the peer-review mechanism within the Governing Body, he said that it could also form part of the recurrent item discussion on employment and for cost reasons should be linked to existing governing forums. The review should be based on the comprehensive employment policy framework adopted at the 103rd Session of the Conference (2014) and should include the policies contained in that framework and be in accordance with the Convention No. 122. Countries participating in peer reviews must receive assistance in the form of analytical tools, inter-ministerial coordination, and consultations and engagement with the social partners. Mechanisms for consultation with the social partners were essential from a procedural point of view and would strengthen ongoing and future national tripartite policy discussions on employment. Reviewer countries could be selected on the basis of interest expressed or mutual interest. The ILO could provide assistance with the preparation of reports and analysis, and also provide recommendations that countries would be free to adhere to. On request, it could also provide technical assistance for the implementation of the recommendations. He requested the Office to further elaborate on option 1.

474. *The Employer spokesperson* said that, during the 103rd Session of the Conference, the Employers' group had pointed out that peer reviews previously undertaken at the Governing Body had not proved successful, differing national contexts made international benchmarking almost impossible and it was unclear how any new peer-review mechanism would differ from or add significantly to the existing supervisory mechanisms related to ILO member State obligations and development cooperation procedures. The peer-review process should not end up interpreting what ratified Conventions demanded in specific national terms. Each country should be left to measure its own progress, taking into account the needs of its own tripartite constituency. Poorly designed peer reviews would be unhelpful, potentially overlooking differences between countries and restricting their ability to set their own goals. Although the Employers' group was not opposed to a peer-review mechanism in principle, they believed that the way in which the particular proposals were outlined would not lead to an effective peer-review process. Neither option 1 nor 2 made provision for sufficient time and resources to conduct substantial reviews, would end up as add-on events rather than properly considered processes, and would inevitably turn into a series of pre-prepared speeches. Option 3 would be feasible if reviews and follow-up were voluntary and controlled by the requesting country. In addition, there must be adequate tripartite engagement. Peer reviews should not be add-ons to existing events and should be funded by the requesting country or donors. They should not focus on compliance with ILO standards, which was usually done through the ILO supervisory mechanism. Countries must be allocated sufficient time for dialogue and reflection. More work should be put into demonstrating the added value of a potential peer-review mechanism with regard to knowledge building and technical assistance. Employers were willing to continue to work with the Office to agree on an effective process.
475. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that the African Peer Review Mechanism (APRM) provided a model for an ILO voluntary peer review mechanism. The ILO proposals required further elaboration. Clarification should be provided on the number of countries to undergo a peer review at any given moment; on the eligibility criteria for participation; on the role of the ILO in the follow-up to the reviews and the provision of related technical support to member States; and on ways to ensure the sustainability of the mechanism. Information on the budgetary allocations for the mechanism and the cost implications for participating member States is necessary. He supported the draft decision.
476. *Speaking on behalf of the Governments of Denmark, Finland, Iceland, Netherlands, Norway and Sweden*, a Government representative of Norway said that peer reviews consumed a high level of resources and should focus on a limited and well-defined area. Option 1 was similar to the recurrent discussion approach, and the proposed peer review under the auspices of a recurrent discussion would neither fulfil the requirement of a limited item, nor add the expected value. As to option 2, no decision on new activities should be taken until the results of the Governing Body reform process regarding Regional Meetings were available. The Office should refrain from organizing peer reviews in regions where other international bodies were already organizing them. Option 3 was not feasible because it was difficult to persuade ministers to attend highly technical discussions. None of the proposed options seemed to represent value for money or to respond to the needs of the constituents.
477. *A Government representative of Ghana* said that Ghana had championed that topic previously. He recalled the experience gained in the context of the APRM and welcomed the inclusion of such mechanisms in the 2030 Agenda. After a year in operation, the national employment policy in Ghana, with ILO support, had been mainstreamed into the work of a range of ministries and social partners, and Ghana stood ready to share its experience. Although preparation was critical, the real key to success was commitment to implementation and impact. As such, Ghana endorsed voluntary peer review mechanisms as a tool to monitor the performance and impact of policies. All options must remain voluntary

and any country submitting itself to a review must receive ILO technical support. The preference would be for a mechanism combining elements of all three options. Ghana supported the draft decision.

- 478.** *A Government representative of Japan* supported the regional format proposed in option 2 but, given the ILO's experience and its proximity to the social partners, it should facilitate the mechanism. Regional offices should be provided support to assess issues such as employment policy, taxation and social security systems, and to provide up-to-date information. Challenges regarding employment services should be addressed with the involvement of the World Association of Public Employment Services (WAPES). Efforts should focus on countries with low levels of policy development. He hoped that the Employment Service Convention, 1948 (No. 88), and Convention No. 122 would be better enforced through a voluntary peer-review mechanism. Japan requested a more detailed proposal.
- 479.** *A Government representative of France* highlighted the utility of peer reviews and said that France supported option 2.
- 480.** *A Government representative of the United States* endorsed the statement made by Norway. She was unclear what the outcome and follow-up to the reviews would be; if action plans would be developed and by whom; what would be the relation to DWCPs; and the cost of each option. The ideas all sounded robust, but at the same time expensive. Option 1 would involve some duplication if held in the context of recurrent discussions. She asked how many reviews there would be, how reviewers would be chosen, whether there would be on-site visits and, if so, who would pay for them. Conducting the reviews at Governing Body sessions could affect its work, and there was also the issue of its partial representation. Regarding option 2 as Regional Meetings were part of the reform agenda, it would be premature to choose that option. Option 3 was overly ambitious and unrealistic. She requested clarification on the expression that a ministerial meeting could "identify priorities for future peer-review work" [paragraph 17]. In conclusion, she was not convinced of the value added, and requested further information, notably on alignment with ILO priorities.
- 481.** *A Government representative of the Russian Federation* attached importance to reviewing national employment policies and requested more detailed proposals. She highlighted the positive results of the review undertaken in the Russian Federation which included ILO technical support. The Russian Federation participated in the ILO's youth employment policy reviews in the countries of the Commonwealth of Independent States (CIS) network and, within the country, an ongoing skills-review system targeted youth skills development.
- 482.** *A Government representative of Cuba* recalled the concerns and reservations expressed during the discussions at the 103rd Session of the Conference. He referred to the Annex to the ILO Social Justice Declaration regarding the principles of a review mechanism. The ILO's comparative advantage over other forums were its binding standards on employment, but the follow-up should have a clearly delimited mandate and avoid duplication of work. The mechanism should neither duplicate the work of the CAS nor provide a forum for political confrontation. The regional and subregional levels would be the most useful for sharing experience on implementation. More discussion would be needed before any option could be endorsed.
- 483.** *A Government representative of Mexico* looked forward to discussing a more detailed proposal, which could include case studies of successful national resource mobilization for employment policy implementation. Option 3 seemed to provide for a more balanced exchange of experiences. He supported the draft decision.

484. *A Government representative of India* said that the success of the mechanism would depend on its ability to account for the varying levels of national employment policy development. The ILO should first support countries in developing those. Although the primary objective of the peer review should be knowledge-sharing on good practices from countries facing similar situations, a broad global perspective would be required if paradigm shifts were necessary. He requested a further detailed proposal.
485. *A representative of the Director-General (DDG/P)* recalled that a mechanism for peer reviews had been requested by the 103rd Session of the Conference (2014). Given the number of questions raised – on the purpose; the value added; the issue of duplication; the scope; the cost; the role of international labour standards, despite there being no mention of benchmarks; the format; the follow up; the link to DWCPs; the role of the Office in providing assistance and voluntary implementation – the Office would submit a more detailed paper.
486. *A representative of the Director-General (Director, Employment Policy Department (EMPLOYMENT))* stressed that the voluntary nature was inherent in all options and that the only goal, to be further developed in line with the issues raised, was mutual learning. There was no proposal for an impact evaluation element. Although the Office would further clarify the objectives, follow-up limitations, experiences and results, the value added was to be found in the discussion to take place between experts, ministers, social partners and others, whereby policy instruments used to tackle specific challenges would be reviewed. The mention of benchmarking referred to the resolution concerning the second recurrent discussion on employment that had provided a policy menu to be combined according to national circumstances and priorities. No option entertained limiting the review to countries with existing national employment policy processes, nor was there any attempt to create a link to the ILO's supervisory mechanisms. It was clear that each option had received some level of support but also that more information was needed, particularly on the value added, the process itself and the resource implications, all of which would be presented in a new paper.
487. *The Worker spokesperson* maintained the view that global reviews would have the greatest added value and the lowest cost.
488. *The Employer spokesperson* said that the debate had clarified the main aim to be the mutual sharing of experiences and, although the issue was not yet ripe, the Employers welcomed the consensus reached and stood ready to work with all concerned to reach a decision at the following meeting.

Decision

489. ***The Governing Body requested the Director-General to prepare a more detailed proposal for a peer-review mechanism of employment policies based on the guidance provided during the discussion, and the discussion foreseen in March 2017 on the follow-up to the evaluation of the impact of the Social Justice Declaration.***

(GB.328/POL/4, paragraph 18.)

Social Dialogue Segment

Fifth item on the agenda

Sectoral meetings held in 2016

(GB.328/POL/5)

490. *The Employer spokesperson* said that the Employers' group supported the draft decision.
491. *The Worker spokesperson* said that improving harsh conditions for workers in the oil and gas industry operating in polar and subarctic climate zones of the northern hemisphere remained a priority for the ILO. Drawing attention to the recent deaths of 25 oil industry workers in Pakistan, he said that improvements in OSH and collective bargaining were crucial and asked for recommendations and conclusions that resulted from tripartite discussions to be widely implemented. He welcomed efforts to facilitate the Subcommittee on Wages of Seafarers of the Joint Maritime Commission held on 6–7 April 2016 and commended the quality of the interim report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). His group supported the draft decision.
492. *Speaking on behalf of the Africa group*, a Government representative of Mali reiterated the group's concern that an equivalent meeting focused on workers in the oil and gas industry operating in desert regions should be held. He invited the Office to take the necessary follow-up measures to ensure that the outcomes of the two sectoral meetings were implemented and expressed the hope that corresponding activities would be results-oriented and strategically aligned. His group supported the draft decision.
493. *A representative of the Director-General (DDG/P)* noted that OSH remained a priority on the ILO's agenda and that work in that area would continue by strengthening the capacity of governments, working with the social partners and providing technical assistance.

Decision

494. *The Governing Body:*

- (a) *took note of the reports of the two meetings referred to in section I of document GB.328/POL/5 and of the interim report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);*
- (b) *authorized the Director-General to communicate the reports of the two meetings referred to in section I of document GB.328/POL/5 to governments, requesting them to communicate the reports to the employers' and workers' organizations concerned, and to the international employers' and workers' organizations and other international organizations concerned;*
- (c) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.328/POL/5;*

- (d) *approved the convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission in the first half of 2018;*
- (e) *authorized the Director-General to communicate the interim report of the CEART, along with the observations made by the Governing Body, to the governments and organizations concerned, and invited them to take the necessary follow-up action as recommended therein.*

(GB.328/POL/5, paragraph 11.)

Sixth item on the agenda

Preparations for the IV Global Conference on Child Labour Report (GB.328/POL/6)

495. *A Government representative of Argentina* restated his Government's view that a more integrated approach should be adopted to combat child labour and forced labour. The IV Global Conference on Child Labour would offer an opportunity to take steps towards the eradication of all forms of child labour and also to tackle other related scourges, such as human trafficking, new forms of slavery and forced labour. His Government hoped that the Conference would mark a turning point at a time when thought was being given to finding new ways of addressing migration and supervising compliance with labour standards as a means of ensuring decent work, including in global supply chains, and that the Conference agenda would therefore be as inclusive as possible. In line with SDG 8.7, it should cover the sustained eradication of child labour and forced labour. The Conference should discuss active social and economic inclusion policies, the improvement of education systems to foster inclusion and dissuade children from dropping out of school, the transition from school to work and the creation of quality youth employment. His Government would be hosting a preparatory meeting on 12 and 13 December 2016, at which he invited all the member States of the Organization of American States and the Members of the ILO in the Americas to launch a debate on a timeline for achieving target 8.7 in the American continent. The tools for doing so were available in the shape of Alliance 8.7 and the International Programme on the Elimination of Child Labour and Forced Labour (IPEC+); countries and constituents simply had to join forces to give effect to their commitments.
496. *The Employer spokesperson* called upon the Office to preserve the ILO tripartite approach during preparations for the IV Global Conference in order that all the constituents could contribute to the technical groundwork, and asked for information about resources to fund that process. Her group welcomed the fact that the Office was prepared to invest resources in providing new global data and research on child labour and it also welcomed Alliance 8.7 as an opportunity for engaging in more effective, holistic action with other key stakeholders in cooperation with the UN system. However, the Employers remained cautious about combining the subjects of child labour and forced labour, since some thematic issues might differ. Policy interventions and outcomes had to be clearly defined in order to avoid weak delivery and the lack of any lasting impact.
497. *The Worker spokesperson* said that it must be made clear to governments that they had an important role to play in eradicating child labour, one of the most abhorrent scourges of the world of work, and in punishing unscrupulous firms which used child labour and modern forms of slavery. The Workers therefore welcomed the adoption of target 8.7 and Recommendation No. 204, as well as the debate on global supply chains, which had shown that many production units violated fundamental human rights by employing child labour. He trusted that other

organizations in the UN system would be invited to the Conference in order that an integral response could be given to a problem that in many countries stemmed from poverty and structural inequality. His group supported the eradication of all forms of child labour by 2025; welcomed the widening of the Conference agenda to include forced labour; and was in favour of including a debate on active social and economic inclusion policies and youth employment. It was vital that, at the Conference, the social partners and governments should agree on effective action to combat child labour and forced labour. Governments should be asked to assess the impact of policies to that end. His group urged the Office to allocate the necessary funds to ensure meaningful participation by the social partners in the proposed tripartite Regional Meetings. The Regional Meetings would not predetermine the positions that the Workers would take during the Conference. It was important that the inclusion of a wider range of stakeholders in Alliance 8.7 should not diminish the presence of the social partners nor their opportunity to contribute in a meaningful way. The group was pleased that tripartite consultations would be held in Geneva to prepare the draft outcome document. The recurrent discussion on fundamental principles and rights at work at the International Labour Conference in 2017 should also influence the outcomes of the IV Global Conference on Child Labour. It was essential to abide by the ILO's basic principles governing public-private partnerships when seeking funding for the Conference. His group hoped that funds would be made available to enable Worker delegates, representatives of the numerous trade unions actively combating child labour, Employer delegates and delegates from least developed countries to take an active part in debates. The Workers supported the draft decision, subject to the insertion of the word "tripartite" before the words "Regional Meetings" in paragraph (b) of the English and French versions of the document under discussion, in line with the Spanish version.

- 498.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group was in favour of enlarging the scope of the Conference in line with target 8.7, provided that the primary objectives of the Conference were not undermined. His group supported the draft decision.
- 499.** *Speaking on behalf of the Africa group*, a Government representative of Mali said that the Conference should focus on the eradication of child labour, including its worst forms and the trafficking and enslavement of children. It encouraged the ILO to facilitate the organization of Regional Meetings to promote information sharing about the Conference and to ensure that financial resources were available for those meetings, as they would contribute to the success of the Conference. Having consulted with GRULAC about the scope of the agenda, his group supported the draft decision as it stood.
- 500.** *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group intended Latin America and the Caribbean to be the first developing region free from child labour by 2025. To that end it had given priority to devising national policies to combat child labour, to building capacity for direct action against it, to knowledge generation, to drafting and implementing legislation and to awareness raising. His group was in favour of broadening the scope of the Conference to encompass forced labour and to include a discussion about active social and economic inclusion policies in line with the creation of quality youth employment. Forced labour was a serious human rights violation and the antithesis of decent work; it should be countered by the immediate adoption of the requisite legislation and the strengthening of labour inspectorates. At the same time, it was crucial to take steps to assist vulnerable persons, to facilitate social inclusion and access to education and vocational training, to promote gender equality and to ensure better governance of migration. Informality was a major challenge and the persistence of child labour was an obstacle both to children's rights and to the development of the region. The creation of more and better jobs for youth in the formal economy was a huge challenge in his region and in many other countries, but it would have to be overcome in order to build stronger economies and fairer societies. His group therefore supported the draft decision as it stood and agreed with the expanded scope of the Conference.

501. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Norway and the other countries of the European Economic Area, and reaffirmed their commitment to the elimination of child labour in all its forms. The Conference would provide an opportunity to take stock of action to reduce child labour and eliminate the worst forms thereof. Efforts to attain the goals set in the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 and the Brasilia Declaration on Child Labour should be scaled up wherever possible. In preparation for the Conference, in June 2016 the EU Foreign Affairs Council had adopted the Council Conclusions on Child Labour, which reaffirmed the urgency of eliminating the worst forms of child labour and underlined the importance of a rights-based approach. Combating child labour called for a multi-dimensional approach covering a range of issues such as children's rights, social protection floors, quality education, decent job opportunities including for youth, trade agreements and global value chains. It was also crucial to shield unaccompanied migrant children from the risk of trafficking and child labour. The EU welcomed the Office's support for the organization of the Conference which should not, however, duplicate the work of other conferences on trafficking and forced labour. The EU endorsed the draft decision as it stood.
502. *Speaking on behalf of the Community of Portuguese Language Countries (CPLP)*, a Government representative of Brazil welcomed the hosting of the IV Global Conference in Argentina in 2017. The III Global Conference in Brasilia had addressed the need for integrated public policy to achieve the sustained eradication of child labour. The CPLP had lengthy and, on balance, successful experience in adopting and implementing national plans to eradicate child labour, supported also by South-South and triangular cooperation, and had declared 2016 the CPLP Year Against Child Labour. It was in favour of enlarging the scope of the Conference to cover forced labour and human trafficking, as that would reflect worldwide interest in concerted action to implement target 8.7 of the 2030 Agenda. The CPLP supported the draft decision.
503. *A Government representative of the United Kingdom* supported the proposal to enlarge the scope of the Conference to include forced labour, not least because target 8.7 called for an end to forced labour, modern slavery and human trafficking by 2030, and to child labour by 2025. She supported the Alliance 8.7 initiative and its aim of bringing together all parties interested in achieving target 8.7 through coordinated efforts. Her Government would be interested in participating in the Conference and sharing its experience in tackling child labour and forced labour which, in its view, formed part of modern slavery. It was keen to work with international partners to step up global action to put an end to modern slavery in all its forms. It strongly endorsed the help which the Office was giving to Argentina to prepare the Conference, as well as the decision as originally drafted.
504. *A Government representative of the United Republic of Tanzania* said that eradicating child labour required a concerted effort at the national, regional and global levels. Her country was grateful to have received support over the years from the Office, development partners and NGOs in implementing national programmes and action plans to eliminate child labour. Her Government was implementing a five-year development plan with an emphasis on inclusive growth, poverty reduction and public services. She commended the Government of Argentina on agreeing to host the Conference, the outcomes of which should bolster efforts to achieve the common objective of eliminating all forms of child labour in line with the 2030 Agenda and the relevant ILO instruments. Her Government supported the draft decision and looked forward to a successful Conference.
505. *A Government representative of the United States* thanked Argentina for hosting the Conference and the Office for the significant work being carried out in preparation for it. Enlarging the scope of the Conference to include the forced labour of adults, in addition to all forms of child labour, was consistent with target 8.7. Her country was pleased to be able to provide funding

for Alliance 8.7 and the Conference, and looked forward to engaging fully in the preparations and the Conference itself.

- 506.** *A Government representative of Spain* congratulated the Government of Argentina on its initiative. His Government was not surprised at the eloquence with which the Government representative of Argentina had explained why it was vital to join forces to combat child labour and forced labour, since that country had always been at the forefront of efforts to eradicate those twin scourges and to improve overall working conditions. The Government of Spain therefore supported the initiative and the Spanish version of the draft decision. It trusted that the English and French versions would be brought into line with the Spanish version.
- 507.** *A Government representative of India* said that while his Government understood the rationale behind the proposal to enlarge the scope of the Conference in order to provide a platform for the Alliance 8.7 initiative, focus on the main issue should not be lost. He urged the Office to exercise caution when using the term “modern slavery” because it was not clearly defined in the ILO context. He requested more information on the relevance of the concept of modern slavery to the world of work and asked why the existing terminology was inadequate. The Government of India welcomed the proposal and supported the draft decision.
- 508.** *A Government representative of the Netherlands* said that the overarching goal of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 had not been accomplished. Immediate action was therefore needed to achieve target 8.7. It was essential to follow up the Roadmap and the political commitment embodied in the Brasilia Declaration on Child Labour by setting priorities and undertaking real action. One issue which the Conference should examine was how stakeholders in global supply chains could help to eliminate child labour. His Government had decided to support research into that topic in order to provide the Conference with some basic facts and figures. Adequate preparation for the Conference was crucial to deciding on the action needed to eradicate child labour by 2025 and to achieve synergies between efforts to eliminate forced labour and combat child labour. The Netherlands stood ready to assist the Government of Argentina in preparing for and holding the Conference, including by sharing its experience in organizing similar conferences. He fully supported the draft decision.
- 509.** *A representative of the Director-General (DDG/P)* welcomed the opportunity to work closely with Argentina in the preparations for what, she hoped, would be a fruitful, meaningful Conference on a most important issue. Due note had been taken of the need for care not to dilute any child labour outcomes by dealing with forced labour and child labour in one Conference. The Office would therefore work with Argentina on formulating targeted policy recommendations and maintaining the focus of the Conference. She was grateful to those working with the Office to ensure that sufficient resources were available for a successful Conference. Tripartism would be preserved in all meetings leading up to the Conference. The Regional Meetings were intended to raise sufficient awareness of the issues to elicit the full engagement of countries and the social partners; they were not a substitute for any decision-making in the Governing Body or any other tripartite body. The term “modern slavery” was drawn from target 8.7, but the draft decision employed the expression “forced labour”. There was no intention of broadening the notion contained in ILO Recommendations and other instruments.

Decision

510. The Governing Body:

- (a) endorsed the proposal made by the Government of Argentina to enlarge the scope of the IV Global Conference on Child Labour in 2017 to encompass the forced labour of adults in addition to all forms of child labour;**

- (b) endorsed the proposal for tripartite Regional Meetings and global preparatory tripartite consultations, as specified in paragraph 14 of document GB.328/POL/6; and*
- (c) requested the Director-General to take the necessary action to provide the Government and the social partners of Argentina with the required technical assistance for the organization of the IV Global Conference on Child Labour in 2017, taking into account the Governing Body discussion.*

(GB.328/POL/6, paragraph 15.)

Seventh item on the agenda

Follow-up within the Office to the resolution concerning fundamental principles and rights at work adopted by the 101st Session of the International Labour Conference (2012) (GB.328/POL/7)

511. *The Worker spokesperson* said that, despite having been identified as enabling rights, Conventions Nos 87 and 98 remained the two least ratified core Conventions. The Office should build on the annual reviews and the comments of the supervisory system to develop a clear strategy on how to mainstream the ratification and implementation of fundamental principles and rights at work in DWCPs. The strategy should address both the linkages between the categories of fundamental principles and rights at work and between them and other ILO strategic objectives. While it was satisfying to see that 35 new ratifications of fundamental Conventions had been registered, universal ratification required a further 133 ratifications. The campaign for universal ratification needed to be stepped up. The focus on the ratification and implementation of Conventions Nos 87 and 98 was welcome, but the goal remained universal ratification, and therefore the ratification of Conventions Nos 100 and 111 and the Abolition of Forced Labour Convention, 1957 (No. 105), should also be promoted. The use of the term “cross-cutting priorities” in paragraph 8 might create confusion, given that the ILO Social Justice Declaration called fundamental principles and rights at work, and in particular freedom of association and collective bargaining, “both rights and enabling conditions” and gender equality and non-discrimination were identified as “cross-cutting”. Support was given to the thematic priorities in paragraph 9, particularly the work on global supply chains. Regarding the four categories of change, he endorsed the work on public policies and governance, but reasserted the goal of universal ratification. The strategy of the second category of change, “empowerment and protection”, should ensure not just voice in trade union organizations, but also representation. The strategy should also strengthen workers’ organizations to represent workers and improve their working conditions, including through collective bargaining. Support for small producers should pursue similar principles. He asked which sectors the Office planned to target. While the Workers’ group supported the launch of Alliance 8.7, it was urgent that the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) develop a strategy to promote freedom of association and collective bargaining and the elimination of discrimination. The Office should ensure that the role of the social partners was safeguarded in Alliance 8.7 and that social dialogue was not undermined while more partnerships were created for the implementation of the SDGs. Work on “knowledge and data” should also help document the interdependent and mutually reinforcing nature of the four categories of fundamental principles and rights at work and the mutually aggravating nature of their violation. Regarding human and financial resources, there was an urgent need to appoint a specialist

on freedom of association and collective bargaining in order to ensure that work was carried out across all categories of fundamental principles and rights at work. Noting that only 12 of 42 staff members at headquarters had regular budget posts, he said that work on fundamental principles and rights at work was at the heart of the ILO mandate and should be appropriately funded by the regular budget, rather than being dependent on development cooperation funding. As June 2018 would mark the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work and the tenth anniversary of the ILO Social Justice Declaration, the Office should use the period prior to the 107th Session of the Conference (2018) to reinvigorate the campaign for universal ratification of the fundamental Conventions, which needed also to be at the heart of the debate about the future of work and was a requirement for the pursuit of the Declaration of Philadelphia.

512. *The Employer spokesperson* said that the Employers' group had originally initiated the ILO Declaration on Fundamental Principles and Rights at Work. Full implementation of the Declaration and unleashing the full potential of the human rights it enshrined were essential for the achievement of social justice. The recurrent discussion on fundamental principles and rights at work at the 106th Session of the Conference (2017) would focus on constituents' needs, work carried out by the Office, lessons learned and future priorities. It was important not to anticipate or prejudge any of those points, in particular because essential information, including information about the awareness-raising campaign on all fundamental principles and rights at work, had yet to be made available. The call for knowledge and data issued as part of that recurrent discussion remained highly relevant, and further debate in that regard would take place at the 106th Session. The Employers' group highly appreciated the closer integration of various work streams relating to fundamental principles and rights at work, which had led to increased staff efficiency within the Office. That approach could serve as a model for other ILO departments seeking to break down silos. In accordance with the 2016 resolution concerning decent work in global supply chains, capacity building and technical assistance must be strengthened to improve compliance throughout the world of work, including domestic as well as global supply chains. No distinction must be made between workers in the export sector and those employed by enterprises operating exclusively at the national level. She welcomed the support provided by the Office to enterprises regarding the implementation of fundamental principles and rights at work, in particular in the form of a business network on forced labour. However, more specific wording was required in that regard. The significant fall in extra-budgetary resources since 2008 raised the question of whether donor countries were truly committed to the fundamental principles and rights at work, which were not only human rights but also core values of the ILO. At the 101st Session of the Conference (2012), the Employers' group had called for funding for the promotion of fundamental principles and rights at work to be increased and further incorporated into the regular budget. The relevant discussions at the 106th Session must reinvigorate efforts to mobilize resources in that regard and give rise to a project that would attract government funding.
513. *Speaking on behalf of the Africa group*, a Government representative of Mali said that the Africa group had noted the action taken by the Office to consolidate FUNDAMENTALS, which had developed an integrated, rights-based strategy related to its tasks. Furthermore, the report on the overall Office follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work would be submitted to the 106th Session of the Conference (2017). The results of the 2012–16 high-level evaluation of ILO work on fundamental principles and rights at work were encouraging. The Office should ensure that FUNDAMENTALS was in a position to assist member States in meeting their obligations to the ILO and, also, to continue to integrate the three thematic priorities for an integrated approach. His group noted the Office's determination, through FUNDAMENTALS, to better manage resources in order to achieve optimal results regarding the abovementioned priorities and staff management. It was important for the

Office to bear Africa in mind when considering high-potential projects. He supported the draft decision.

514. *Speaking on behalf of IMEC*, a Government representative of France said that the action plan should include proposals to overcome the remaining identified obstacles to the universal ratification of the fundamental Conventions. She welcomed the establishment of FUNDAMENTALS and the improvement of collaborative work within the Office on fundamental principles and rights at work, and said that joint work with the Research Department might be useful for the collection of relevant data, the provision of research methodology and the development of knowledge. The provision of relevant data to evaluate constituents' needs was particularly important to determine how best to provide support. A cross-cutting approach was essential in that regard. She welcomed the three priorities of the strategy; the opportunities for practical exchange provided by the Child Labour Platform; and the changes made in the context of the reorganization to support the implementation of fundamental principles and rights at work through the provision of strategic advice and technical assistance. Fundamental principles and rights at work were a priority for the constituents and required renewed resource mobilization.
515. *The Worker spokesperson* said that there appeared to be some areas of consensus. He supported the draft decision.
516. *A Government representative of Uruguay* said that he agreed with the Worker spokesperson's comments and that the promotion of fundamental principles and rights at work was indispensable for the mandate of the ILO. He supported the draft decision.
517. *A representative of the Director-General (DDG/P)* said that she noted the consensus on the draft decision and that the Office would continue to provide a structured programme around the fundamental principles and rights at work, including by considering more reliance on the regular budget. The Office would take all interventions into account when preparing the discussion on the matter at the 106th Session of the Conference. The Office would continue to develop greater collaboration between areas such as employment and social dialogue by focusing on fundamental principles and rights at work. The Office used every opportunity – for example, through work on child labour – to work on collective bargaining and freedom of association within the context of fundamental principles and rights at work. She acknowledged the concerns expressed that references to the enabling rights of freedom of association and collective bargaining as “cross-cutting” might have been misleading.

Decision

518. ***The Governing Body requested the Director-General to take account of its discussions and guidance in continuing to develop and pursue an integrated strategy to promote fundamental principles and rights at work, including in external partnerships and to consider, among other funding options, renewed resource mobilization efforts to support the implementation of this strategy.***

(GB.328/POL/7, paragraph 16.)

Eighth item on the agenda

Review of the Sectoral Policies Department (GB.328/POL/8)

519. *The Worker spokesperson* welcomed the organization of sectoral activities and said that all constituents should continue to be involved in determining the priorities for future sectoral activities through the advisory bodies. While his group agreed in general with the suggestions set out in paragraph 7 of the document under discussion, it was not sufficient to promote sectoral results and tools in other departments; it was also necessary to facilitate close cooperation between the Sectoral Policies Department (SECTOR) and those departments. Departments with mandates related to specific conclusions from sectoral meetings should contribute to their implementation and their follow-up. Sectoral activities were not adequately promoted at the country level; therefore, regional and national directors and national constituents should increase their awareness of sectoral tools. To that end, stakeholders at the national level should also be trained and provided with resources, since efforts to mobilize constituents in member States had stalled owing to the lack of SECTOR experts at the national and regional levels. While sectoral activities were increasingly in line with the ILO's strategic framework, it was essential that they should be based on the promotion of fundamental rights. The advisory bodies at their next session in January 2017 should take into account the need to improve coordination among sectoral activities, research activities and the Future of Work Initiative when drawing up the programme of meetings for 2018–19. Furthermore, various international trade unions had indicated that they would benefit from sector-specific contributions from the ILO on the future of work, including on poverty reduction, changes in the employment relationship, new technologies and women's employment. However, it was important to ensure that research was conducted not by external consultants but by experts from SECTOR. The proposals that the advisory bodies would make in January should not be limited to the Future of Work Initiative; those recommendations would also include other proposals that had no direct link to the Initiative. It was important to preserve the independence of the constituents and strengthen the role of the advisory bodies.
520. With regard to Appendix I to the document, it was vital that independent experts in the textile industry continued to work, funded from the regular budget, in SECTOR and that those activities were not limited to the Better Work programme. Closer collaboration between SECTOR and the ITC–ILO should be encouraged with regard to training in sectoral standards and should involve ACTRAV and ACT/EMP. He asked what follow-up had been undertaken in respect of recommendation 8 of the 2012 independent evaluation. With reference to Appendix II, he underlined that constituents should receive comprehensive updates on SECTOR activities prior to the forthcoming meeting of advisory bodies in January 2017, in order to be able to discuss approaches and contribute to the full programme of ILO activities. He proposed that the advisory bodies should include in their recommendations that a meeting should be held to complete work on the promotion of sustainable rural livelihoods targeting the agro-food sectors. Joint responsibility frameworks were needed to institutionalize the relationship between SECTOR and other departments as well as the management of regional and country offices. It was also important to promote exchanges between SECTOR experts and field staff and to institutionalize such relations. He noted that Global Union federations would like a greater focus on sectoral priorities in DWCPs. The Workers also supported the further strengthening of the cooperation between the Partnerships and Field Support Department (PARDEV) and SECTOR. His group had proposed, in conjunction with the Employers, an amendment to the draft decision.

521. *The Employer spokesperson* encouraged the Office to continue to identify synergies between SECTOR and other departments. While he acknowledged that sectoral work, as part of the ILO, should respect the mandate of the Organization and fit into its plans and strategies, the social partners must also play a central role in setting priorities for sectoral work. Sectoral partners were best placed to ascertain workers' needs. With respect to the draft decision, he expressed concern about the stand-alone reference to the 2012 independent evaluation. During the evaluation, the Employers had opposed what they considered to be an initiative to drive sectoral work from the centre of the ILO's work, and they maintained that position. More guidance was needed on how the choice of sectoral work could reflect the broader priorities of the ILO. In addition, the recurrent work of SECTOR had been discussed over some years and was a matter of concern. In view of the ever-growing list of requests and suggestions for work emerging from sectoral meetings, he asked how the Office intended to allocate resources to meet the many needs identified. His group, with the Workers, had proposed an amendment to the draft decision.
522. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that sectoral activities could help to identify trends and developments and that sectoral policies could contribute to promoting decent work. However, current changes in the world of work were not exclusively sector-specific; many changes were often cross-cutting, as was the case with teleworking. The ILO's sectoral work should therefore not be isolated but rather aligned and integrated with its overall strategy. Sectoral work had unique features, but should not be an isolated strand of work. In order for sectoral work to be integrated into the broader ILO agenda, its programming should be decided with input from the advisory bodies, although ultimately decisions should be made by the Governing Body, which could decide against following some recommendations out of programme or budget concerns. SECTOR and other ILO units should share tools and information, which would promote teamwork within the Office. The upcoming sectoral advisory bodies' session could provide guidance on how sectoral work could inform the work of the Future of Work Initiative.
523. With reference to the appendices to the document, his group considered that continued attention to the issues of dual governance and the governance of the ILO's sectoral work was warranted and looked forward to discussing and adopting a programme of sectoral work during the March 2017 session of the Governing Body. At that point, it would be apposite to reflect on whether the changes made to the sectoral advisory bodies were sufficient to enable substantive recommendations to be made through an inclusive tripartite process. He asked what follow-up had been given to recommendation 8 and requested further information on the modalities and procedures under consideration for the implementation of recommendation 10. He also asked whether and how the biennial programme implementation reports would present information on follow-up to sectoral meetings. Finally, it was important for the Office to clarify when the last of the structural and governance issues identified by the 2012 evaluation would be addressed and the review concluded, as well as how its conclusions would be communicated to the social partners. He regretted that the Government representatives had not been involved in discussions on the amendment to the draft decision. His group required additional time to reflect on the amended decision and reach a conclusion.
524. *Speaking on behalf of the Africa group*, a Government representative of Mali said that good results could be achieved by better aligning sectoral activities with the Organization's focus as well as by creating synergies with other ILO units. The two approaches proposed in the document were not incompatible. Sectoral meetings could focus on themes relating to the future of work, including the policy issues raised by SECTOR's research. His group was ready to address the issue again in March 2017. He encouraged the Office to continue its efforts to complete the follow-up to the recommendations of the 2012 independent evaluation. His group supported the draft decision, but could only comment on the proposed amendment subsequently as it had not previously been consulted.

525. *A representative of the Director-General (DDG/P)* emphasized the importance of SECTOR both as a forum for social dialogue and as an avenue for developing a knowledge base, through a focus on sectoral dimensions of work, which allowed it to provide an in-depth understanding of different challenges. Its work on informality, fundamental principles and rights at work and working conditions in the garment industry, for example, showed increasing integration into the mainstream work of the Office, as did the collaboration with the ITC–ILO to develop knowledge products for constituents. Despite strong signs of improvement, the priority challenge for SECTOR remained knowledge management, namely how to encourage other departments to use the products of SECTOR’s work and the sectoral meetings. In addition, further synergies and coherence could be achieved by ensuring that SECTOR’s work would focus on ILO priorities.
526. *A representative of the Director-General (Director, Sectoral Policies Department (SECTOR))* said, in response to comments from constituents, that the review of SECTOR was not a new issue but had been addressed on a number of previous occasions and formed part of an ongoing reform process. The 2012 independent evaluation had shown clearly that better collaboration between the departments and SECTOR was needed and that competition among departments and outcomes should be avoided. SECTOR was not alone, however, as such challenges were not only experienced in the ILO, but often also by national and international institutions. The evaluation had highlighted a second issue, namely whether SECTOR’s recurrent work should be determined by advisory bodies or by the programme and budget, as determined by the Governing Body. That question could be addressed in greater detail in January 2017.
527. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that his group had not had sufficient time to consider the proposed amendment to the draft decision and that their questions had not been fully answered. It would require additional time and additional explanations from the Office before it could take a position on the proposed amendment.
528. *Speaking on behalf of the Africa group*, a Government representative of Mali said that his group’s issue with the amendment was not substantive but rather one of principle, given that all three groups needed to be consulted on proposed amendments.
529. *The Worker spokesperson* said that the proposed amendment had been drafted following long discussions with the Employers; having been agreed only that morning, it had been made available at the earliest possible opportunity and its late delivery was in no way an attempt to avoid dialogue with all. In response to the concerns expressed by IMEC about sectoral work being too far removed from the ILO’s concerns, he said that everyone involved in sectoral work fully understood that they were an integral part of the ILO and that the value, relevance and possible influence of sectoral social dialogue sprang precisely from the fact that that was the case. Autonomy, independence or isolation were not the goals. The proposed amendment sought to achieve a better balance as it recognized the value of sectoral work in allowing ILO policy positions to be more broadly understood and in swiftly identifying new challenges through its connections with the field. Finally, it was clearly stated in the Standing Orders that the Governing Body held the authority to make decisions on a whole range of matters.
530. *The Employer spokesperson* fully endorsed the comments made by the Worker spokesperson and reiterated his regret at the short notice provided to the Governments with regard to the proposed amendment. His group understood that Members would clearly need time to consider the proposed amendment, which sought to recognize the delicate interplay between SECTOR and the Office. He reiterated that the Governing Body was the deciding body and the role of the advisory bodies was to advise.

531. *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group believed fervently in tripartism and put it into practice at all levels. As SECTOR's work was key for the region, anything that would have an impact on its functioning, such as the draft decision in question, needed to be considered carefully.
532. After further consultations, *speaking on behalf of IMEC*, a Government representative of the Netherlands said that in addition to some minor adjustments to streamline the wording, his group proposed that the word "dominant" should be deleted from the proposed amendment and that the word "determining" should be replaced with the words "advising on", to better reflect the agreed role of the advisory bodies. He reiterated his earlier questions concerning: the follow-up to recommendation 8 of the 2012 independent evaluation; modalities and procedures for the implementation of recommendation 10 of the 2015 tripartite informal brainstorming meeting; how the biennial programme implementation report could present information on follow-up to sectoral meetings; when the review of SECTOR would be concluded; and how the social partners would be informed of its conclusions.
533. *Speaking on behalf of the Africa group*, a Government representative of Mali said that his group supported all the subamendments.
534. *The Worker spokesperson* said that his group agreed with the subamendments.
535. *The Employer spokesperson* said that his group was satisfied with the subamendments.
536. *A representative of the Director-General (DDG/P)* said, in response to questions concerning recommendations 8 and 10, that the Office would include a dedicated sectoral-based session in each global technical team so that the results of sectoral meetings and other sectoral products could be disseminated and fully discussed in a forum where headquarters and field staff were present. In addition, the Office would report on the outcomes of sectoral meetings within the policy portfolio and disseminate those results to the regions. Furthermore, the knowledge management coordination team would assist in developing the best methods of embedding sectoral products and the results of sectoral meetings into the work of the portfolio. It was important to ensure that flagship programmes took into account the sectoral dimensions of work, as Better Work and the IPEC+ programme were already doing. The Office was keen to develop sector-specific policy guidance and integrate sectoral products into the work of other departments by creating a range of knowledge-sharing tools, such as an online repository of implementation advice, and by increasing the number of webinars and briefings.
537. The inclusion of a section on follow-up to sectoral meetings in programme implementation reports, which included some reporting on global products, would enable the Governing Body to ascertain progress being made. Lastly, the review of SECTOR would be concluded with the adoption of those proposals by the Governing Body at that sitting.

Decision

538. *The Governing Body:*

- ***noted the need to improve the balance between the role played by the social partners and governments within the sectoral advisory bodies in advising on the priority activities of the Sectoral Policies Department and the need for the Department to bring its work in line with the ILO's mandate and with the Organization's broader priorities;***
- ***requested all parties to contribute to this aim;***

- *requested the Director-General to take into consideration its guidance in giving effect to the recommendations of the 2012 independent evaluation, the conclusions of the 2015 informal consultations and the review of the Sectoral Policies Department.*

(GB.328/POL/8, paragraph 9, as amended by the Governing Body.)

Development Cooperation Segment

Ninth item on the agenda

Enhanced programme of development cooperation for the occupied Arab territories

(GB.328/POL/9)

539. *The Employer spokesperson* said that further resource mobilization was needed in order to continue the reconstruction effort in the Occupied Palestinian Territory and, in particular, to create job opportunities in Gaza, where the lack of prospects was a source of political and security tensions. The Office should focus more closely on youth employment. Entrepreneurship development and the Know About Business (KAB) and SIYB programmes could facilitate the integration of young people into the labour market and ease pressure on the public sector to provide employment. The ILO was doing important work in the areas of technical and business management training and skills for women, but greater asset replacement efforts were needed in order to enable businesses to recover.
540. *An Employer member from the United Arab Emirates* said that the situation in the occupied Arab territories would not improve while the Israeli occupation persisted; Palestinian workers must be allowed to travel freely and enjoy their full rights. In keeping with its mandate, the Organization should send a group of experts to assess the working conditions under which the Palestinians had suffered since the 1970s. The Office should support the work of the Palestinian Fund for Employment and Social Protection and organize a donor conference to promote employment and social security. The new social security legislation would provide welcome support to Palestinian workers and, in that connection, he called for contributions to the programme of action mentioned in paragraph 20 of the report. It would be timely to ensure implementation of the Paris Protocol of 1995. It was vital to continue to provide technical and economic assistance to the occupied Arab territories and to support the collaborative work that would put into effect the principles and resolutions of the Organization.
541. *The Worker spokesperson* said that humanitarian and economic conditions in the occupied Arab territories were deplorable and it was difficult to promote decent work in a situation of occupation. The recent decline in development cooperation and donor support would cause public debt to rise and deprive Palestinians of much needed assistance. By withholding the social security payments of Palestinian workers, Israel was depriving the Palestinian Authority of resources and preventing it from stimulating economic growth or investing in job creation. The working conditions of Palestinians in Israeli enterprises were a cause for concern; the report should have mentioned the obstacles encountered by Palestinians in travelling to work as a result of roadblocks and checkpoints and the failure to pay the minimum wage.

542. His group supported the National Development Plan 2014–16 and the Palestinian Decent Work Programme 2013–16 and welcomed the results achieved through the Gaza recovery programme. Additional funding was needed in order to attract investment in social security, youth employment and the development of cooperatives. The protection of workers' rights was of particular importance in view of the insecure situation of workers in the occupied Arab territories. The workshops on social security and labour law reform that the Office had organized were commendable; any resulting reforms had to be in conformity with ILO Conventions. While welcoming the effort to address OSH deficits and improve labour inspection capacity, he was dismayed by the results reported in the study on unacceptable forms of work in the construction sector.
543. His group also welcomed the launch of the national campaign on the rights of Palestinian women at work. He thanked the Office for supporting the development of the new legislation on social security and recommended that a gap analysis should be conducted to facilitate implementation of an effective social protection system. His group supported promotion of the Decent Work Agenda and social justice for the Palestinian people. He called on donors to provide additional support for the ILO's work in the occupied Arab territories. He stressed the importance of collaborating with trade unions.
544. *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania welcomed the steps proposed in paragraphs 29–32 of the report and, in particular, the Office's commitment to support the establishment of a social security institution through capacity building for the social partners. She urged donors to fulfil the pledges made at the Cairo Conference on reconstructing Gaza. Her group looked forward to strengthening international cooperation to advance the Decent Work Agenda for the Palestinian people.
545. *Speaking on behalf of ASPAG*, a Government representative of Jordan endorsed the ILO's support to the tripartite dialogue on the draft law on trade unions and underlined the importance of providing technical assistance to the tripartite constituents. He commended the Office's contribution to the adoption of legislation on social security and called on donor countries to provide funding for the programme of action mentioned in paragraph 20 of the report.
546. *Speaking on behalf of the Arab group*, a Government representative of Sudan said that his group supported the tripartite dialogue and, in particular, the work of the Palestine General Federation of Trade Unions (PGFTU). Continued support for women's participation in the labour market was needed since only 16.1 per cent of women were employed. The new law on social security was a significant achievement to which the ILO had contributed. He expressed the hope that technical and financial assistance would continue with a view to consolidating the social security system.
547. *A Government representative of the Bolivarian Republic of Venezuela* commended the ILO initiatives implemented under the Palestinian Decent Work Programme 2013–16 and endorsed the measures set out in paragraphs 29–32 of the report.
548. *A Government representative of Cuba* said that the situation described in paragraphs 2–7 had been caused principally by the occupying power, which had impeded the creation of an independent State through the occupation of land, demolition of houses, restriction of freedom of movement and blockade of the Gaza Strip. The problem could only be solved through peaceful means, one outcome of which would be decent work. The Palestinian people must be allowed self-determination and independence; to that end, he endorsed the work of the ILO, called for increased funding and development cooperation within the framework of current and future Decent Work Programmes and supported the actions set out in paragraphs 29–32.

549. *A Government representative of Algeria* welcomed the assistance provided by the Office to the Palestinian Authority in implementing labour law reforms, workshops for the social partners and projects promoting gender equality. The new law on social security was a matter of particular satisfaction. He encouraged the Director-General to seek funding to support the establishment of a social security system.
550. *A representative of the Director-General* (Regional Director for Arab States, ILO Regional Office for the Arab States) said that the input provided by the Governing Body would guide the Organization's future work in the occupied Arab territories. The next Palestinian Decent Work Programme would focus on supporting implementation of the new social security legislation, establishment of the social security institution and youth employment. A programme of action had been developed and donor support was being sought. A revised version of the Social Security Law, signed by President Abbas on 29 September 2016, addressed the concerns expressed by the social partners and civil society with regard to governance and the safeguarding of social security funds and reflected the ILO's legal and actuarial comments aimed at aligning it with international labour standards and good practice.
551. The Office was working with the Ministry of Social Development in an effort to expand the social protection floor to include those not covered by the new social security system and, despite the challenging environment for resource mobilization in the Occupied Palestinian Territory, had been trying to expand its donor base and pursue new funding opportunities and partnership modalities. A new public-private partnership for enterprise development had been signed with the Palestine for Development Foundation and internal ILO resources had been mobilized in that area. Negotiations were under way with a number of donors to support the development of a tripartite-governed social security institution, promote youth employment and support cooperatives.

Outcome

552. *The Governing Body took note of the report contained in document GB.328/POL/9.*
- (GB.328/POL/9.)

Legal Issues and International Labour Standards Section

Legal Issues Segment

First item on the agenda

Follow-up to the discussion on the protection of Employers' and Workers' delegates to the International Labour Conference and members of the Governing Body in relation to the authorities of a State of which they are a national or a representative ([GB.328/LILS/1](#))

553. *The Worker spokesperson* noted that the revised draft resolution in Appendix I to document GB.328/LILS/1 contained significant changes to the draft resolution discussed at the March 2016 session of the Governing Body and greatly reduced the protection granted to Employers' and Workers' delegates to the International Labour Conference (ILC) and members of the Governing Body in relation to the authorities of the States of which they were nationals or representatives. Three proposed privileges and immunities granted to Employers' and Workers' delegates to the Conference and Governing Body members in relation to the authorities of their own States had been removed from the revised proposal. Amendments to Annex I to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies should be guided by the need to ensure effective protection to Employers' and Workers' delegates to the Conference and Governing Body members to freely and independently carry out their function and to be protected against retaliation. The assertion in the document that privileges and immunities were increasingly criticized as unjustified and were too often abused was not an adequate statement to be made in the context of safeguarding tripartism.
554. The human right to freedom of speech was not in itself sufficient to effectively guarantee the free and independent exercise by Employers' and Workers' delegates to the Conference and Governing Body members of the functions within the ILO. That right should be accompanied by protection against arrest or detention, especially during their journey to or from the place of meeting, as they would otherwise not be sufficiently protected against arrest or administrative detention imposed as retaliatory action upon their return. That protection could be circumscribed to the minimum required to protect them in the exercise of their functions, and could in particular exclude cases of *flagrante delicto*. The draft resolution should ensure that Employer and Worker representatives were not prevented from attending the ILC or the Governing Body, as there were still many instances where that happened. Exemption from any administrative or other restriction on their free movement in connection with their attendance at a meeting was therefore important. The speaker agreed to the non-inclusion of inviolability for all papers and documents while exercising their functions at the meetings concerned and during journeys to and from the place of meeting. While acknowledging that protection from legal process should cover words spoken or written, and acts performed in official capacities and not words or acts unrelated to ILO matters, she strongly opposed limiting such protection to within the meeting room and noted that such limitation was not in line with the 1970 Conference resolution concerning freedom of speech of non-governmental delegates to ILO meetings. She therefore believed that

protection from legal processes should extend to words written and spoken inside and outside the meeting including to the press and on social media and subsequent to the meeting. She supported the extension of the immunity to Employers' and Workers' delegates and advisers to ILO Regional Meetings and the proposed revised wording of the preamble. Her group called on governments to accept to restore the immunities that had been removed from the revised draft resolution.

555. *The Employer spokesperson* noted that the revised draft resolution limited itself to the protection of Employers' and Workers' immunity from legal process in respect of words spoken or written, and acts performed in their official capacity. In doing so, it largely replicated the language and scope of protection of the 1970 ILC resolution concerning freedom of speech of non-governmental delegates to ILO meetings. Since that resolution had been unanimously adopted and there still seemed to be agreement on its ongoing relevance, the revised draft resolution covered aspects of the Employers' and Workers' immunity that enjoyed full tripartite recognition and should therefore be broadly acceptable. However, certain elements of Employers' and Workers' immunity contained in the previous draft resolution were no longer included in the revised draft resolution. While she regretted the reduced scope of the proposed immunity, she would nevertheless accept it if it helped to address concerns raised by governments at earlier discussions and if the draft ILC resolution could be submitted for adoption to the Conference in 2017. The Office should use all existing means of action to fill any gaps in protection. It appeared that most aspects of Employers' and Workers' immunity that were no longer covered in the revised draft resolution concerned the free and unhindered movement to or from the place of meeting, in respect of which some protection was available through the Credentials Committees of the Conference and Regional Meetings. Gaps should be closed by amending the relevant provisions in the Standing Orders of the ILC and the *ILO Rules for Regional Meetings*, for example, by including in the *Rules* a provision along the lines of article 26ter(2) of the Standing Orders. In addition, complaints to the CFA could be more systematically considered in such cases. She agreed with the point for decision in paragraph 9 of the document.
556. *Speaking on behalf of GRULAC*, a Government representative of Panama said that his group had consistently expressed its views on immunities to the Governing Body, and considered the matter to be important. While GRULAC had been extremely cautious on that subject since the constitutions and laws of GRULAC member States had a restrictive approach to privileges and immunities, the obligation for ILO Members to respect the freedom of speech and the independence of Employers' and Workers' Conference delegates and Governing Body members was not in question. However, the proposed extension of the scope of the proposed immunity to include Employers' and Workers' delegates and advisers to ILO Regional Meetings and advisers at the Conference gave his group cause for concern, as it exceeded the scope of both the 1970 ILC resolution and article 40 of the ILO Constitution and therefore had no legal basis. He noted that although the 1947 Convention and Annex I thereto remained valid, they were applicable only to those countries that had acceded thereto.
557. *Speaking on behalf of ASPAG*, a Government representative of India asked the Office to provide a more detailed proposal concerning the proposed procedures for the waiver of immunity by the ILC or the Governing Body to the Governing Body for discussion at its 329th Session, taking into account the relevant applicable international law. Her group requested additional time for consultations and called for the discussion of the document to be deferred to the 329th Session of the Governing Body in March 2017.
558. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group supported full protection of freedom of speech of Workers' and Employers' delegates to ILO meetings, as that freedom was central to the human right of freedom of expression. She welcomed the revised proposal, which was more focused and provided immunity from legal process for Workers' and Employers' delegates or advisers for words spoken or written

and acts performed in their official capacity at the ILC, the Governing Body and Regional Meetings, including their committees, subcommittees and other bodies, even after the end of their appointment.

559. While she welcomed the fact that most of the changes proposed by IMEC had been incorporated in the draft resolution, she found the Office's answer to the question raised by IMEC in March 2016 with regard to the envisaged criteria and procedure for the waiver to be vague and unsatisfactory. She reiterated IMEC's request for a detailed and substantial description of the procedures envisaged, and proposed that that description should be included in a revised Appendix II for discussion at the 329th Session of the Governing Body. Such procedures needed to be clarified before the draft resolution was forwarded to the ILC. She supported the draft resolution and expressed the view that the new simplified proposal had the potential to obtain the necessary broad support of all groups. She proposed that the draft decision contained in paragraph 9 of the document should be amended to read as follows:

The Governing Body: (a) approves the draft resolution in Appendix I for submission to the next session of the International Labour Conference; and (b) requests the Office to provide the Governing Body, for discussion at its 329th Session, with a revised explanatory Appendix II that contains the detailed envisaged procedures for waiving the immunity by the ILC or the Governing Body.

560. *Speaking on behalf of the Africa group*, a Government representative of Angola reiterated his group's concern, expressed at the 326th Session, with regard to jurisdiction in respect of the grant and waiver of privileges and immunities in cases of differing interpretation as to the distinction between acts in an official capacity and acts in a personal capacity. Authority to confirm or waive the immunity of Employers' and Workers' delegates to the Conference and Governing Body members should not override the jurisdiction of a sovereign country, as that would exceed the 1961 Vienna Convention on Diplomatic Relations and extensive consultation would be required at the national level before any such proposal could be approved. He proposed that the draft decision should include a request for the Office to consult the relevant national institutions on the adoption of such privileges and immunities.
561. *A Government representative of Lesotho* requested additional time for consultations on the draft resolution at the national level.
562. *A representative of the Director-General (Legal Adviser)* said that the document focused on the principle of freedom of speech of Employers' and Workers' delegates and Governing Body members and had been revised to facilitate the debate following the discussions that had taken place at the Governing Body in March 2016. The limitation concerning the words spoken and acts performed at meetings of the bodies concerned and not outside them was in line with the principle of parliamentary privilege, by which the Office's proposals were inspired, whereby parliamentarians were granted immunity from legal process for words spoken or written, votes cast and actions undertaken in direct relation to the official exercise of their duties, often solely on the premises of the national parliament.
563. With regard to GRULAC's comments concerning the proposed extension of the scope to include advisers, he recalled that section 1, subparagraph (v) of the 1947 Convention expressly stated that: "For the purpose of articles V and VII, the expression 'representatives of members' shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations." In that sense, there was a basis for including advisers in the scope of the protection.
564. In response to IMEC's request with regard to the procedure for examining requests for waiving immunity, he indicated that the Office had prepared a document on the procedure envisaged, which could be circulated. The following procedural steps could, for example, be

codified in an annex to the *Compendium of Rules applicable to the Governing Body of the International Labour Office*. Upon receipt of a request for waiver, the Office would prepare the necessary factual and legal information. There would be a filtering or screening mechanism, which in the case of the Governing Body could be entrusted to the Officers of the Governing Body. Until that point, the case would be treated confidentially. In making a decision on the waiver, the Conference or the Governing Body would have to answer two questions: firstly, did the person concerned enjoy immunity in that case, because he or she was acting in an official capacity as a delegate or Governing Body member and the member State concerned had ratified the 1947 Convention and its revised Annex? Secondly, did the immunity impede the course of justice and could it be waived without prejudice to the purpose for which it was accorded?

565. *The Worker spokesperson* said that she did not support the point for decision because, as it stood, it did not deliver what her group needed. She agreed that immunity should not exceed what was necessary to protect delegates in their work. However, it was also important to ensure that the ILO could function properly as a tripartite Organization; as the only UN Organization that functioned in such a way, the issue was unique to the ILO. Since all three constituents needed additional time to consider the revised draft proposal, she proposed that the Office postpone the discussion until the November 2017 session of the Governing Body.

566. *The Employer spokesperson* said that she supported the proposal to postpone the discussion to November 2017.

Decision

567. *The Governing Body took note of the revised draft resolution and decided to defer further consideration of this item until its 331st Session (November 2017).*

(GB.328/LILS/1, paragraph 9.)

International Labour Standards and Human Rights Segment

Second item on the agenda

The Standards Initiative: Report of the second meeting of the Standards Review Mechanism Tripartite Working Group

Report of the Officers, in accordance with paragraph 17 of the terms of reference of the Standards Review Mechanism Tripartite Working Group ([GB.328/LILS/2/1](#))

568. *The Worker spokesperson* reported that the SRM TWG had successfully reached a set of consensual recommendations concerning the instruments previously identified as outdated. He highlighted that the ratification rate for ILO Conventions not classified as fundamental or governance Conventions was dangerously low, threatening the credibility of the ILO

standard-setting and governance functions. In many cases, the up-to-date Conventions that replaced the outdated ones were not widely ratified. The Office must do more to promote the technical Conventions and member States must redouble ratification efforts. While promotional campaigns regarding the outdated instruments discussed by the SRM TWG would prioritize member States bound by the instruments in question, such campaigns should also be directed at all member States. The members of the Workers' group committed to doing their part in promoting ratification and implementation of instruments as the Office initiated this work in the next 12 months. He reiterated that, in accordance with the SRM TWG's terms of reference, all instruments remained legally valid, including those to be reviewed by the SRM TWG at a future date, until they were reclassified by the Governing Body or withdrawn or abrogated by the Conference. To suggest otherwise would cast a cloud over many ILO instruments. Further, the SRM TWG process did not preclude standard setting on new and emerging issues or on issues unrelated to the instruments already slated for review. In this regard, the SRM TWG urged the Governing Body to address a regulatory gap with regard to apprenticeships and would return to a regulatory gap in relation to shift work when it considered the set of instruments on working time. The immediate abrogation or withdrawal of a number of the outdated instruments were recommended where these instruments were considered to be obsolete, and the SRM TWG would return to the consideration of a larger number of instruments in the context of its later review on the particular subtopics within which they fell. The recommendations were designed to give States time to ratify up-to-date Conventions prior to the abrogation of older instruments, thus avoiding gaps in coverage. The Workers' group expected the SRM TWG's future recommendations to take the same form, following the methodology and format that had developed.

569. *The Employer spokesperson* confirmed the constructive atmosphere in the SRM TWG and that its recommendations were consensually adopted. He said that the Officers' report should contain the main points of view presented by the Employers', Workers' and Government groups during the discussion. The report must provide guidance to governments and the social partners at the national and international levels. The Governing Body might wish to consider allowing time for a consensus to be reached in that regard in the next week. The minutes of future meetings should summarize the discussions preceding the adoption of each individual recommendation, in line with the practice of the Working Party on Policy regarding the Revision of Standards (the Cartier Working Party). The Employers' group would have preferred to see more ambitious decisions taken with regard to the outdated instruments discussed at this meeting. Independently of the recommendations of the SRM TWG, governments played an important role in ensuring that the ILO standards system remained relevant and up to date, including through regular examination of ratified Conventions at the national level. States which continued to have obligations under obsolete Conventions should evaluate the possibility of ratifying more recent instruments, and implementing them in law and in practice, as well as the impact and value added of ratification and implementation with regard to national priorities, taking into account both the protection of workers and the needs of sustainable enterprises. The ILO must assist governments with such evaluations. The Office website should include information on denunciation "windows" for all Conventions, in order to allow governments to choose to denounce instruments should they so wish. Both denunciation and non-ratification of Conventions indicated that Conventions had become irrelevant or were difficult to ratify and implement. The Employers' group would continue to contribute to ensuring that the ILO had a clear, robust and up-to-date body of international standards. He supported the draft decision.

570. *Speaking on behalf of the Government group*, a Government representative of Mexico welcomed the Officers' report that reflected the outcome of the meeting, and supported the recommendations. The review undertaken in the second meeting of the SRM TWG had already resulted in a significant contribution to ensuring that the ILO had a clear, robust and

up-to-date body of international labour standards. The participation of technical advisers in the second meeting of the SRM TWG had contributed to a more informed and inclusive discussion. He was confident that through constructive dialogue, collaboration, transparency and practical outcome-focused tripartite decision-making, the SRM TWG could achieve its objective. He supported the draft decision.

571. *Speaking on behalf of GRULAC*, a Government representative of Panama said that, while GRULAC supported the work undertaken by the SRM TWG, the ILC was the only body competent to abrogate or withdraw Conventions. GRULAC understood that, should a Convention be abrogated, then member States would be freed from reporting obligations and the social partners would no longer be able to invoke articles 24 and 26 of the ILO Constitution with regard to the instrument in question. Without prejudice to decisions taken by the Conference on the abrogation of Conventions, in the case of countries which had ratified but not denounced certain ILO Conventions, those instruments remained in force in light of the Vienna Convention on the Law of Treaties. In accordance with articles 42, 55 and 56 of the Vienna Convention, a multilateral treaty did not terminate only because the number of parties had fallen below the number necessary for its entry into force. Consequently, no country could be forced to denounce or ratify Conventions, given that non-denunciation meant that the State in question deemed the instrument to be relevant. He raised the questions of whether denunciation of Conventions was positive for the social partners or for the ILO, and whether abrogation encouraged governments to ratify new instruments. The proposals for Office follow-up to promote up-to-date Conventions were to be welcomed, including the collection of information on reasons for non-ratification of the most recent Conventions. In some cases, countries might not wish to become party to a recent Convention if they already had standards in place that were higher than those contained in the new instrument. GRULAC supported the draft decision.
572. *Speaking on behalf of the Africa group*, a Government representative of Burkina Faso endorsed the statement made on behalf of the Government group, and welcomed the constructive and consensual approach taken by the SRM TWG. He approved the holding of a third meeting in 2017 and supported the draft decision.
573. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the EU candidate countries Turkey, Montenegro, Serbia and Albania, and Georgia also aligned themselves with the statement. Together they endorsed the statements by IMEC and the Government group. She noted that the SRM TWG had adopted a two-step approach involving swift Office follow-up followed by a review by the SRM TWG at the time that the set of instruments on the sub-topic were examined. This triggered a positive process with the Office and member States engaging concretely in the SRM TWG's work. Observing that recommendations on outdated Conventions may be of particular consequence for non-metropolitan territories, the group welcomed that the SRM TWG requested the Office to undertake a mapping of the application of such Conventions to non-metropolitan territories and provide technical assistance to member States where necessary. It was suggested that the Office could prepare a proposal for the following session of the Governing Body in relation to the regulatory gap concerning apprenticeships. Emphasizing that its second meeting had well equipped the SRM TWG to make recommendations that contributed to the overall objective of ensuring that the body of standards was clear, robust and up to date, she recalled that international labour standards were fundamental to the EU and its policies. The group supported the draft decision.
574. *Speaking on behalf of ASPAG*, a Government representative of the Republic of Korea endorsed the statement made on behalf of the Government group. He said that it was remarkable that the SRM TWG had completed the review of 63 instruments as scheduled, and stressed that the result of the second meeting was a great achievement that would be a milestone for the ILO's standard-setting activities moving forward. Welcoming the

consensus, he noted that Governments had only been apprised of the tentative agreement between Workers and Employers in the morning session of the last day of the meeting. As the responsibility for implementation lay with governments, time to review the details was necessary. Future meetings should be conducted with transparency and in good faith, and with due regard to the need for consensus. Time-bound actions were needed and SRM TWG work should be carried out in the most efficient and timely manner. ASPAG supported the draft decision.

575. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that IMEC endorsed the statement made on behalf of the Government group and acknowledged the ambition inherent in the exercise. The second meeting of the SRM TWG marked the beginning of an ongoing process. She emphasized the critical importance of ensuring a fully tripartite approach to work of the SRM TWG and the development of its recommendations. It was clear that the issue of how to address potential gaps would be likely to continue to figure prominently in the SRM TWG's work. In that regard, pursuant to its terms of reference, she noted that the SRM TWG was charged with identifying gaps in coverage not at the national level but in the body of ILO instruments. The approach in the agreed action plan was a good basis for taking the process forward, allowing time for the Office to collect relevant information and for countries to consider ratification of newer instruments. Due to their highly technical nature, the review of occupational health and safety instruments would require the presence of technical advisers. IMEC did not favour the square-bracketed language in paragraph 4 of the Officers' report and considered that if necessary, it should come back to the SRM TWG. IMEC supported the draft recommendations of the SRM TWG.
576. *Speaking on behalf of ASEAN*, a Government representative of Cambodia said that ASEAN endorsed the statements made on behalf of the Government group and ASPAG. It also saw a need for technical experts to assist the group and supported the draft decision.
577. *A Government representative of China* endorsed the statements made on behalf of the Government group. Regarding the 40 instruments that will be followed up by the SRM TWG at its later meetings, he expressed concern regarding the effective protection of workers in countries where the standards apply and called upon the ILO to provide development cooperation to the countries concerned rather than depending only on the ILO supervisory mechanisms. The support of technical experts would be important for the upcoming review of occupational health and safety instruments. Transparency should be enhanced and Government, Worker and Employer members of the SRM TWG should be able to communicate in an equal and candid manner. He supported the draft decision.
578. *A Government representative of India* endorsed the ASPAG statement. She said that the ILO should intensify its efforts to encourage member States to ratify more up-to-date instruments, replacing outdated instruments and progressively increasing the coverage of strategic objectives without creating gaps in protection. Documenting and analysing obstacles to ratification was integral. She supported the draft decision.
579. *The Chairperson of the SRM TWG*, said that the success of the meeting was largely owed to the constructive approach and input of the members of the SRM TWG. He noted the remarks of the members on how to further improve the SRM TWG's working methods and would, prior to the following meeting, ensure that issues such as the timely publication of documents, transparency, and the equal participation of constituents would be taken up.
580. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) confirmed, in response to the comments of the representative of the EU, that the Office would follow-up the application of outdated Conventions to non-

metropolitan territories and provide technical assistance to member States affected. The Office would report in this regard to the SRM TWG.

Decision

581. *The Governing Body took note of the report of the Officers concerning the second meeting of the SRM TWG and, in approving its recommendations:*

- (a) welcomed the SRM TWG's efforts to integrate its recommendations into the broader programme of work of the ILO on standards policy;*
- (b) revised the SRM TWG's initial programme of work to include the Labour Statistics Convention, 1985 (No. 160), the Occupational Health Services Convention, 1985 (No. 161), the Labour Statistics Recommendation, 1985 (No. 170), and the Occupational Health Services Recommendation, 1985 (No. 171), so that the SRM TWG's initial programme of work now reviews a total of 235 international labour standards organized into 20 thematic sets of instruments grouped by strategic objective;*
- (c) noted the SRM TWG's recommendations concerning the abrogation of the Inspection of Emigrants Convention, 1926 (No. 21), the Recruiting of Indigenous Workers Convention, 1936 (No. 50), the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65), the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86), and the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104), and the withdrawal of the Hours of Work (Fishing) Recommendation, 1920 (No. 7), the Migration for Employment Recommendation, 1939 (No. 61), and the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62), in relation to which it would consider placing an item on the agenda of the 107th Session (2018) of the International Labour Conference (see GB.328/INS/3(Add.));*
- (d) noted that the SRM TWG will follow up at later meetings on the 40 outdated Conventions and Recommendations listed in its Officers' report, on the terms set out in that report (the Minimum Age (Industry) Convention, 1919 (No. 5), the Minimum Age (Agriculture) Convention, 1921 (No. 10), the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), the Night Work (Bakeries) Convention, 1925 (No. 20), the Sickness Insurance (Industry) Convention, 1927 (No. 24), the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33), the Fee-Charging Employment Agencies Convention, 1933 (No. 34), the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36), the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37), the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38), the Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39), the Survivors' Insurance (Agriculture) Convention, 1933 (No. 40), the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), the Sheet-Glass*

Works Convention, 1934 (No. 43), the Unemployment Provision Convention, 1934 (No. 44), the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49), the Holidays with Pay Convention, 1936 (No. 52), the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), the Safety Provisions (Building) Convention, 1937 (No. 62), the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), the Maternity Protection Convention (Revised), 1952 (No. 103), the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Minimum Age (Underground Work) Convention, 1965 (No. 123), the Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22), the Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23), the Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24), the Sickness Insurance Recommendation, 1927 (No. 29), the Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40), the Unemployment Provision Recommendation, 1934 (No. 44), the Holidays with Pay Recommendation, 1936 (No. 47), the Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93), the Maternity Protection Recommendation, 1952 (No. 95), and the Minimum Age (Underground Work) Recommendation, 1965 (No. 124)), and would also follow up itself the regulatory gap identified with regard to the topic of shift work in its later discussion, at a date to be decided, on the working-time instruments;

- (e) invited the Office to take the necessary steps immediately in regard to the juridical replacement of the Safety Provisions (Building) Recommendation, 1937 (No. 53), the Co-operation in Accident Prevention (Building) Recommendation, 1937 (No. 55), the Vocational Training Recommendation, 1939 (No. 57), the Apprenticeship Recommendation, 1939 (No. 60), the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Adults) Recommendation, 1950 (No. 88), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), the Occupational Health Services Recommendation, 1959 (No. 112), the Vocational Training Recommendation, 1962 (No. 117), the Termination of Employment Recommendation, 1963 (No. 119), the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123), the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127), the Human Resources Development Recommendation, 1975 (No. 150), and the Work in Fishing Recommendation, 2005 (No. 196);*
- (f) requested the Office to commence strategic follow-up within 12 months in relation to the 30 outdated Conventions listed in the SRM TWG Officers' report, on the terms set out in that report, and decided that the costs of this follow-up would be met through existing resources;*
- (g) requested the Office to take the necessary steps to ensure the integration of the follow-up as appropriate in the programme of work to implement the 2016 resolution on Advancing Social Justice through Decent Work to be examined at the 329th Session (March 2017) of the Governing Body and in the Programme and Budget proposals for 2018–19;*

- (h) requested the Office to prepare a proposal for a possible standard-setting item on apprenticeships, recognizing the regulatory gap identified in this regard, for consideration at its 329th Session (March 2017) for inclusion in a future agenda of the International Labour Conference in accordance with the strategic and coherent approach;**
- (i) decided that the SRM TWG would examine the instruments concerning occupational safety and health (general provisions and specific risks), within set of instruments 6 of the revised initial programme of work, in its third meeting;**
- (j) convened the third meeting of the SRM TWG from 25 to 29 September 2017.**

(GB.328/LILS/2/1, paragraph 5.)

Follow-up to the joint report of the Chairpersons of the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association ([GB.328/LILS/2/2](#))

- 582.** *The Worker spokesperson* said that the group supported the proposal to consult the different groups in order to prepare the discussion at the 329th Session (March 2017) of the Governing Body. It supported the draft decision.
- 583.** *The Employer spokesperson* said that the Employers were of the view that outstanding issues relating to the supervisory system should be addressed in a workshop. He placed emphasis on the principles and objectives previously raised by his group, namely to: streamline, simplify and consolidate existing procedures, including to remove any overlap and duplication; enhance user-friendliness; strengthen tripartite governance and ownership; ensure that individual supervisory procedures have distinct profiles, with different legal bases as regards their terms of reference and, on this basis, render them complementary to each other. As that would require broad support from the three groups, the Employers supported the Office's proposal for the consultation process and the timeline leading to a decision at the 329th Session (March 2017) of the Governing Body. It supported the draft decision.
- 584.** *Speaking on behalf of the Government group*, a Government representative of Mexico said that the time had come to face the challenge of improving the supervisory system, by profiting from the acquired knowledge of almost 100 years of history towards maintaining its relevance for the upcoming century. The group considered that it was necessary to start the process to strengthen the supervisory system and make it more effective and coherent on the basis of meaningful consultations towards clear objectives. A coherent and cross-cutting understanding of each mechanism and an assessment of the gaps and/or challenges to transparency, governance, tripartism and coherence were of the utmost importance for the effective functioning of the supervisory system. The consultation process should lead to concrete proposals addressing the system as a whole, while bearing in mind the existing initiatives such as the SRM, the informal tripartite consultations on the working methods of the CAS and the recently established subcommittee of the CFA. On the other hand, the consultation process should seek to clarify mandates and articulate the procedures of supervisory bodies, as well as admissibility criteria; to improve communication between these bodies and governments; and to encourage the use of more transparent, clear and

comprehensive language. The Office paper to be prepared for the consultations should be informed by government inputs from the 2015 tripartite consultative process in relation to the joint report and from the views expressed at the 326th Session (March 2016) of the Governing Body. The Office paper should also include the constituents' comments in an annex.

- 585.** *Speaking on behalf of GRULAC*, a Government representative of Panama said that the group aligned itself with the statement made on behalf of the Government group. The period between January and February 2017 provided an opportunity to determine on a tripartite basis the parameters for the process concerning the strengthening of the supervisory system before any substantive discussion took place. A transparent, organized and effective consultation process would be ensured through clarity on the agenda, the main topics to be addressed, deadlines, the modalities and the format for the consultations. In particular, the process should determine a holistic agenda addressing the supervisory system as a whole and coherence with existing initiatives. The consultation process should seek improvements to the level of clarity in relation to the mandates of supervisory bodies, the admissibility criteria, an improved dialogue between the supervisory bodies and governments, the use of clearer and more transparent language, the promotion of national dispute settlement mechanisms and the grouping of subjects for the submission of reports. In this respect, the written comments presented in particular by GRULAC during the preparation of the joint report presented a number of suggestions. These comments should be published for the sake of transparency. GRULAC supported the draft decision.
- 586.** *Speaking on behalf of the Africa group*, a Government representative of Burkina Faso said that the group endorsed the statement made on behalf of the Government group. The group noted that consultations would be pursued in order to reach an indispensable consensus on an effective and efficient functioning of the supervisory system. He supported the draft decision.
- 587.** *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC endorsed the statement made on behalf of the Government group. She recalled that IMEC had delivered a detailed statement at the 326th Session (March 2016) of the Governing Body, which the Office was requested to consider when preparing the proposed paper for consultations, indicating for example the group's interest in reducing reporting burdens and enhancing the functioning of the supervisory system. The issues that merited further consideration included the functioning and interrelationship between the various supervisory mechanisms and procedures, including the CFA; the effects of overlapping or parallel processes; a better articulation and explanation of article 24 and CFA procedures; the improvement of Standing Orders and the codification of established practice in Standing Orders; transparency on receivability criteria; delays in procedures; better prioritizing the consideration of alleged breaches; and interim measures in urgent situations. The group emphasized its continuing strong support for, and confidence in, the ILO supervisory machinery as well as changes to strengthen the system. IMEC supported the Office's proposed way forward and expected the upcoming consultations to be substantive and fully inclusive. The Office should allow for sufficient time for all interested governments to weigh in from capitals. IMEC supported the draft decision.
- 588.** *A Government representative of Colombia* recognized the importance of strengthening the ILO supervisory system, to guarantee greater clarity, transparency, efficiency and effectiveness. The system had evolved to adapt to changing social realities and challenges. Its functioning hinged on the interaction between the different parties involved as well as of the different supervisory bodies. It was nonetheless necessary to identify ways to simplify and streamline the supervisory system to protect workers' and employers' rights and to guarantee coherence and transparency. The consultations referred to in the document and the strengthening of the system with the active participation of the constituents were key in

this respect. It should be possible to analyse the simplification of overly complex processes and the impact of duplication in order to guarantee efficient processes and to satisfy constituents' interests and address their concerns. The consultations should take into account the heavy workload of the supervisory bodies, the limited number of experts and the limited amount of time available to resolve issues. In order to ease the burden on the ILO and improve its effectiveness and to strengthen internal mechanisms and social dialogue, domestic remedies should be exhausted before any other action was taken. Where that was not possible, timely support should be provided to ensure that the ILO had the necessary tools to respond to requests. His Government supported the draft decision.

589. *A Government representative of Spain*, also speaking on behalf of the Governments of Argentina, Italy, Portugal and Switzerland, said that the process to strengthen the supervisory system should involve a clear and ambitious roadmap, which may be flexible in terms of deadlines but not in terms of content. The roadmap should focus on the common principles underpinning the supervisory machinery, with a view to developing specific measures to ensure greater coherence and a holistic understanding of the scope and purpose of each mechanism, their specific features as well as the synergies and compatibilities between them.
590. The Office should organize informal consultations in January 2017 to guide the preparation of the document and to plan further consultations in February, so that a relevant consensus document could be submitted in March. Reaching an initial agreement on guiding principles and those relating to the system as a whole would make significant progress possible. These principles could be summarized as follows.
591. First, with regard to transparency, all supervisory bodies should use more accessible language and admissibility criteria should be based on the universal right to access the supervisory bodies, in order to increase legal certainty and strengthen the constituents' confidence. The subcommittee established by the CFA had yielded satisfactory results concerning serious and urgent cases and should be examined at the March 2017 session of the Governing Body. Access to labour dispute settlement bodies should be extended, with independent judicial supervision of workers' and employers' rights. In connection with governance, the dialogue between supervisory bodies and governments should be institutionalized. In respect of tripartism, as the Government group's diversity made finding common positions difficult, it was important that the composition of the supervisory bodies should respect the 1:2:1 ratio (Workers, Governments and Employers). As regards coherence, a general overview of the work of other supervisory bodies should be presented to the CAS, and procedural rules should address complaints lodged under article 26. He supported the draft decision.
592. *A Government representative of France* said that although the different ILO supervisory bodies were currently fulfilling their mandates effectively, matters relating to the interpretation of labour standards continued to be debated by the constituents and no legitimate tool was available to resolve conflicting interpretations. The changes proposed by her Government in this respect would serve to strengthen the supervisory system and make it more effective and legitimate. Maintaining the status quo might offer peace of mind for the time being but could eventually weaken the ILO's standard-setting function.
593. *The representative of the Director-General* (Director, NORMES) said that the Office would ensure that the preparatory document for the consultation faithfully reflected the tripartite constituents' views and proposals. The development of innovative, ambitious and concrete proposals on the supervisory system, as requested by Governing Body members, was a complex and time-consuming process, which was why the timeframe specified in the document had been proposed. The Office was fully aware of its responsibility to facilitate

an inclusive and transparent tripartite dialogue on strengthening the supervisory system and would ensure that it met the expectations of the constituents in that regard.

Decision

- 594. *The Governing Body requested the Director-General to prepare and organize consultations on the further strengthening of the supervisory system and, on this basis, to submit specific recommendations for its consideration at its 329th Session (March 2017).***

(GB.328/LILS/2/2, paragraph 6.)

Third item on the agenda

Proposed form for reports to be requested under article 19 of the Constitution in 2018 on the Social Protection Floors Recommendation, 2012 (No. 202) ([GB.328/LILS/3\(Rev.\)](#))

- 595.** *The Worker spokesperson* said that the length of the questionnaire was necessary to cover all relevant elements of Recommendation No. 202, noting that it only addressed one instrument. The questionnaire could provide useful information on the current level of protection and create a baseline for the assessment of future progress towards universal social protection coverage, which would be most timely and justified since the ILO was responsible for SDG target 1.3 on nationally appropriate social protection systems for all, including social protection floors. Her group supported the draft decision and encouraged workers' organizations to reply to the questionnaire. The Office should make the necessary resources available so that the information collected could be processed and published in a timely and user-friendly manner.
- 596.** *The Employer spokesperson* said that, pursuant to article 19 of the ILO Constitution, report forms should faithfully reflect the content of the instrument that they addressed. In that particular case, the Employers had submitted a list of proposed editorial amendments to the Office in order to reflect the fact that the instrument under review was of a non-binding nature and hoped that their suggestions could be taken into account. He expressed support for the draft decision, provided that the Government and the Workers' groups accepted the proposed editorial changes.
- 597.** *Speaking on behalf of the Africa group*, a Government representative of Botswana recalled that Recommendation No. 202 had been adopted to guide member States on the establishment of national social protection floors as part of comprehensive social security systems. Her group was confident that the Office had taken the concerns it had expressed regarding the length and complexity of questionnaires into account and that technical assistance from regional and subregional offices would be provided to member States to help them complete the questionnaire.
- 598.** *Speaking on behalf of GRULAC*, a Government representative of Panama said that each country and international agency had its own definition of "social protection" and "social security" and that various schemes, with different scopes of application, existed in different countries. In some member States, for example, the term "social security" referred to a range of contributory schemes such as medical care and unemployment benefits, while in others it

designated only pensions. Furthermore, in the report form the terms “social protection” and “social security” were used interchangeably and the term “social assistance” had not been defined, which meant that each country could interpret those terms according to its own circumstances. Therefore, the Office should set out more detailed definitions and guidelines in the introductory part of the questionnaire. His group supported the draft decision, provided that the Office took into account its concerns.

599. *Speaking on behalf of IMEC*, a Government representative of Canada recognized that the questionnaire allowed for an integrated and cross-cutting approach aimed at encompassing all of the major challenges connected with its implementation. The length and detail of the questionnaire were cause for concern; the key questions should focus on the implementation of and follow-up to Recommendation No. 202. More general information could offer interesting insights and background for the discussion at the ILC in 2017. While it would be difficult to amend the proposed questionnaire, the Office should learn from past experience and consult with member States when drafting future questionnaires. Her group asked whether further consultations could be held in the margins of the current Governing Body, prior to the adoption of the questionnaire. The Office should consolidate its efforts to avoid the duplication of recent and future reporting requirements on the same subjects, in order to reduce the burden on member States. It should also take into consideration the challenges related to the gathering of information, which for many IMEC countries could involve consultations with different ministries and agencies and, in some cases, various levels of government.
600. *The representative of the Director-General* (Director, NORMES) said that consultations had been held on the current questionnaire, in line with standard practice. However, due to the heavy agenda of the current session of the Governing Body, the Office had not been able to engage with all constituents as fully as it had done in the past. Nevertheless, it had consulted with Governments, Workers and Employers and would take the proposed editorial amendments into account when finalizing the document. With regard to duplication, the Office was aware that the questionnaires created a workload for ministers. It also recognized that the current questionnaire was longer than previous ones, which was due to the detailed nature of Recommendation No. 202. The Office had taken care to ensure that the questionnaires on social security statistics had not been duplicated, which explained why the questions were different. While Recommendation No. 202 used the terms “social security” and “social protection” interchangeably, the Office was prepared to add clarifications to the questionnaire.
601. *The Worker spokesperson* said that since Recommendation No. 202 was wide in scope because it sought to cover all relevant issues on social protection floors, it would be inadvisable to curtail the scope of the questionnaire. It was important to obtain the desired information in order to assess the effect given to the Recommendation and determine any further action. If the amendments requested by the Employers went beyond editorial changes, further consultations would need to be held.
602. *The Employer spokesperson* said that, in light of the Office’s reassurances regarding the proposed editorial changes, his group endorsed the draft decision.
603. *A Government representative of Mexico* said that he would support the draft decision, provided that the Office clarified the terms “social protection” and “social security” as requested by GRULAC.
604. *The representative of the Director-General* suggested that the adoption of the draft decision should be postponed until the final version of the questionnaire with the proposed editorial changes was made available the following week.

- 605.** The Governing Body decided to postpone the adoption of the draft decision until a later sitting to allow for further consultations on a revised report form taking into account the points raised during the discussion. At a later sitting, it adopted a revised report form.

Decision

606. *The Governing Body:*

- (a) requested governments to submit reports for 2018, under article 19 of the Constitution, on the Social Protection Floors Recommendation, 2012 (No. 202);***
- (b) approved the report form concerning this instrument contained in the appendix to document GB.328/LILS/3(Rev.).***

(GB.328/LILS/3(Rev.), paragraph 11.)

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

The ILO's Strategic Plan for 2018–21 ([GB.328/PFA/1](#))

607. *The Employer spokesperson* expressed his appreciation for the consultation process and for the clarity and conciseness of the document. He noted, however, that the diagnosis contained in the Strategic Plan was far too pessimistic and did not reflect current and future opportunities in the world of work. It was built around current programme and budget outcomes, while it should have examined the most pressing challenges and opportunities, and included measurement and monitoring of outcomes and impact. The issues raised in paragraph 13 should be considered on a regular basis in order to ensure that policies and programmes were responsive to change and met constituents' needs. While his group agreed that the question of what sustainable enterprises and jobs would look like in the future was critical, there was insufficient consideration that the trend towards non-standard work offered significant new opportunities and choices (paragraph 16). The ILO's centenary would provide an opportunity to take stock of its efforts to achieve social justice in the world of work, but the 2012 reform was still ongoing and further improvements, including greater synergy between headquarters and regional services, were needed. In section C on the strategic vision, ILO 2021, his group particularly welcomed the goals set out in paragraph 36(a) and (f), which were a prerequisite for the Organization to reach out to the most vulnerable and disadvantaged; play a leading role in the implementation of the 2030 Agenda; strengthen its function as a knowledge reference in response to new technologies in the world of work; and address climate change, related environmental issues and the informal economy, which, curiously, was not covered by the Strategic Plan. However, it would be counterproductive to expand the number of cross-cutting policy drivers by adding a fourth one on environmental sustainability (paragraph 44) or to add the reference to global supply chains in outcome 7, which would dilute the outcome while at the same time not achieve much in terms of addressing the new inclusion.
608. While supporting the Office's need to focus and prioritize, it was concerned that the document was insufficiently clear as to priorities and focus among the ten outcomes, four cross-cutting policy drivers, three enabling outcomes and seven Centenary Initiatives; the ILO should avoid spreading itself too thinly. Strengthened accountability through the Governance Initiative and the DWCPs and more effective, efficient and integrated use of ILO resources were essential. His group therefore supported the proposal to redeploy resources from back-up and administration to frontline technical functions. Successful implementation of the Strategic Plan would require strong, representative and independent workers' and employers' organizations, interacting with each other and with governments. He therefore queried the reference to declining membership in workers' and employers' organizations (paragraph 21); unless substantiated by empirical evidence, that reference was not appropriate.

609. *An Employer member from the United Kingdom* said that as his country's employers were no longer permitted to attend the meetings of the Employers' group, they were not able to align themselves with the group's views. In the interest of clarity, an executive summary of the Strategic Plan should have been provided. Given the diverse and complex forms of work and employment relationships, the unifying focus of the Plan should be the elimination of poverty and the creation of "decent" jobs. While the Centenary Initiatives would be central during the period up to and beyond 2019, the ILO 2021 vision should be more closely aligned with Goal 8 of the SDGs through policies that supported production, decent job creation, entrepreneurship, creativity and innovation, and encouraged the formalization and growth of micro-, small and medium-sized enterprises, including by increasing their access to financial services. Measurable key performance indicators were needed in order to ensure accountability for results and to assess progress towards the Goals. Unlike the Employers' group, the UK Employers supported the addition of a cross-cutting issue on environmental sustainability, which was aligned with the SDGs. They wondered how success could be measured in the case of targets that might not lend themselves easily to measurement (paragraph 57) since it was difficult to know which factors were the most critical without tracking them. Business appreciated that it was not easy to hold people accountable for results, but clear lines of responsibility had to be identified to avoid situations where no one felt truly responsible. It was important to remain positive during a large or long-term effort and, to that end, the ILO 2021 goals should be broken down into key drivers so that they could be achieved in stages. The speaker supported the draft decision.

610. *The Worker spokesperson* acknowledged that the Organization would need to intensify its work for social justice during the period covered by the Strategic Plan. With regard to section A of the document, he noted that the effects of the 2008 crisis were still being felt: in many countries, workers were unable to organize or were harassed, threatened or killed when they attempted to do so, and crisis response had reduced coverage of collective bargaining with priority being given to collective bargaining in the workplace at the expense of the sectoral and national levels. The Organization should advocate more strongly for implementation of the policy recommendations adopted in the past based on the strategic objectives of the Decent Work Agenda. Overall, the document lacked a gender analysis and contained little on the situation of women at work, with the exception of gender equality in the context of the Women at Work Initiative (paragraph 49). This issue should be part of the analysis of the world of work context and, in turn, inform the strategic vision of the ILO in a more systematic manner. It was often said that flexible labour markets were more efficient and made it easier to create jobs, but the few jobs that were created were often of poor quality. The conclusions of the February 2015 tripartite Meeting of Experts on Non-Standard Forms of Employment rightly stated that decent work deficits were more common in non-standard forms of employment and that all workers, irrespective of their contractual arrangements, deserved decent working conditions. Women were also over-represented in non-standard forms of employment. Therefore, while his group agreed that no man or woman engaged in full-time work should receive income below that which was required to keep him or her out of poverty (paragraph 18), he trusted that the Office did not mean to suggest that those not engaged in full-time work had no right to such an income. Paragraph 19 noted that social dialogue and tripartism had come under pressure in recent years. While many trade unions were endeavouring to address that problem, a number of challenges made that task more difficult and should be addressed in the lead-up to the 2019 centenary. Such challenges included: new forms of work resulting from information technology; the growth of precarious, informal, atypical and subcontracted work; and frequent failure to implement Conventions Nos 87 and 98. Too many countries still failed to ratify those Conventions. The social partners' role was increasingly conflated with that of other stakeholders and, in many countries, was being challenged by nationalist or populist ideas rooted in frustration at deteriorating working and living conditions. The ILO must fulfil its mandate to ensure genuine recognition of the tripartite constituents, social dialogue and collective bargaining. Turning to section B of the document, he said that for reasons of both

chronology and importance, the ILO Social Justice Declaration should have been listed first in paragraph 23. A possible Centenary Declaration could not set a lower level of ambition than the Philadelphia Declaration and the 1998 and 2008 Declarations. The ILO must step up its technical advice at country level using a balanced approach to the four objectives of the Decent Work Agenda and must take a leading role in its work with international financial institutions and other multilateral organizations, some of whose recent policies were contrary to the Organization's values. His group endorsed the strategic vision set out in section C (paragraphs 33–34) but would prefer to amend paragraph 36 to read: "... ILO 2021 is: (a) delivering quality services to ... ; (b) reaching out to ... ; (c) the authoritative Organization with a robust and relevant body of international labour standards ... ; (d) a knowledge leader ... ; (e) a leading actor ... ; and (f) an effective and efficient Organization ... ". Paragraph 36(b) should also clarify the need to ensure fairness for all workers, not only the most vulnerable among them, by lifting them above minimum social protection floors and preventing them from falling into poverty and vulnerability. In section D, his group agreed that the Centenary Initiatives should be central to the Strategic Plan but would welcome clarification of their linkages with the outcomes and cross-cutting policy drivers, including with regard to resource allocation. The Future of Work Initiative should be given a more prominent role in the Plan, with the strong involvement of constituents. Concerning the End to Poverty Initiative, one challenge to the building of strategic alliances under the 2030 Agenda was the potential dilution of tripartism. The ILO must safeguard the role of the social partners, particularly in pursuit of the SDGs that were relevant to its mandate. With regard to accountability for results (paragraphs 57–59), he wondered how the Office planned to achieve a balanced and integrated approach to the strategic objectives of the Decent Work Agenda in DWCPs. In the effort to enhance partnerships – including public–private partnerships – and policy coherence for decent work, partnerships should be anchored in the Organization's values and objectives (paragraphs 61–63). Furthermore, respect for international labour standards should be promoted with a focus on social dialogue and interaction among the social partners, including Global Union federations and the secretariat of the Workers' group. His group acknowledged the Office's commitment to strengthening the effective and efficient use of ILO resources and encouraged it to continue to engage with the Staff Union in its effort to redeploy resources from administrative to technical functions. The Governing Body, for its part, should encourage the allocation of regular budget funds to core activities. His group endorsed the vision of the Strategic Plan and requested the Office to take its comments into account.

611. *Speaking on behalf of ASPAG*, the Government representative of the Islamic Republic of Iran underscored the importance of this Strategic Plan, which encompassed the ILO centenary in 2019 and the implementation of the 2030 Agenda. The consequence of this coincidence needed to be carefully considered in dealing with the Plan, while keeping with the ILO action called for by 2016 resolution on Advancing Social Justice through Decent Work. ASPAG attached great importance to investment in statistics and knowledge management, including capacity building for constituents. With regard to the need to develop and operationalize a global strategy for youth employment, it urged the Office to prioritize its support in a coherent and consistent manner, with a focus on developing countries. International efforts to mitigate climate change were also needed. ASPAG supported the draft decision.
612. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe said that as other items on the Governing Body's agenda had informed the Strategic Plan, it was important to ensure that discussions on those issues were coherent and complementary. High unemployment, particularly among young people, posed a threat to the Decent Work Agenda. Future labour and social policies should address the root causes and manifestations of labour migration, child labour and the exclusion of women. While some saw the changes brought about by globalization as a source of opportunity, social protection floors were needed in order to protect workers in the informal economy and those engaged in non-

standard forms of employment. Turning to section B, the Africa group urged the Office to expedite work on the pending elements of the 2012 reform. The opportunity to develop a Centenary Declaration should not be missed; the current context called for renewed political commitment. Decent work should be advanced through the social and economic inclusion of vulnerable groups, bearing in mind that in adopting the 2030 Agenda, the international community had pledged that no one would be left behind. His group agreed that the ILO should focus on a limited number of interventions and give priority to strengthening enterprises with a view to employment creation. The Office should match challenges with solutions; thus, the Governance Initiative should complement the Enterprises and End to Poverty Initiatives, both of which sought to address growing unemployment. He urged the Office to strengthen its efforts to develop and implement DWCPs and, at the national level, to focus on their evaluation since the resulting insights would influence the development of future programmes. Lastly, his group would welcome clarification of the status of the Decent Work Agenda for Africa 2007–15.

- 613.** *Speaking on behalf of IMEC*, a Government representative of Norway endorsed the general thrust of the Strategic Plan, which nevertheless should include a clear vision of how the ILO would integrate the 2030 Agenda into its policies and programmes and facilitate progress towards the SDGs. The Strategic Plan should provide further details on deliverables. The value added by and effectiveness of the strategy should also be evaluated at the end of the period covered. She welcomed the alignment with the UN planning cycle and urged the Office to strengthen partnerships with other UN entities and to follow closely the UN General Assembly's QCPR. The 2018–19 programme and budget preview document should show how the ILO proposed to strike a balance between continuity and adaptation, giving priority to its work on standards and to the Future of Work Initiative. In order to remain relevant, the ILO must increase its capacity to ensure decent work for the majority of the world's workers, including those in the informal sector and non-standard jobs. IMEC would welcome information on how the most vulnerable and disadvantaged workers, including those in the least developed countries and those affected by situations of conflict and fragility, were addressed in the End to Poverty Initiative and how those efforts could be strengthened in partnership with other UN and non-UN bodies. While the proposed new cross-cutting policy driver on environmental sustainability reflected global efforts to address climate change, the ILO's work on the topic should remain within its mandate and be reflected in its programme and budget. A strong and independent evaluation function required the consideration of additional measures. The Office should continue to improve the theory of change; learn from evaluations; reinforce its research, statistical and knowledge-based capacities; and create and strengthen partnerships and alliances. Public-private partnerships should go beyond resource mobilization – about which little was said in the document – and feed into the Organization's knowledge base. The ILO should support government efforts to increase domestic income for social welfare and inclusive development. She supported the effort to redeploy resources from back-up and administrative to frontline technical functions. IMEC approved the overall strategic direction of the Strategic Plan but requested the Office to provide more information on implementation and monitoring before action on the draft decision was taken.
- 614.** *A Government representative of Brazil* welcomed the alignment of the ILO's strategic priorities with the QCPR. Renewed efforts to guarantee social justice and decent work were needed and a Centenary Declaration should be adopted. The strategic vision of ILO 2021 reflected the importance of meeting constituents' needs, in particular the creation of formal employment. The ILO must have the right knowledge tools and, together with other organizations, should monitor the global economy. Given the needs of the most vulnerable and the victims of rights violations, it was important to improve the standards and monitoring systems and provide technical assistance to member States. Those systems must be transparent, universal, fair and effective. External partnerships were important but should

not be forged at the cost of excluding constituents. South–South and triangular cooperation partnerships should be mentioned in the Strategic Plan.

- 615.** *A Government representative of India* said that the ILO should provide governments with capacity building and solutions that reflected national contexts and work with the social partners to address the concerns of civil society and informal workers. The 2030 Agenda and the Paris Climate Change Agreement could provide models for a Centenary Declaration. In light of changes in the labour market, the question of whether labour standards should be prescriptive or voluntary should be discussed; he therefore looked forward to the recommendations of the SRM TWG. The ILO must strive to protect its position as the global voice of labour issues. The cross-cutting implications of decent work and poverty eradication could lead to difficulties in interpretation and implementation. Partnerships with research institutions could ensure that local issues were captured and capacities developed; India's National Labour Institute valued its partnership with the International Training Centre of the ILO. DWCPs needed to be strengthened and should reflect national priorities and involve national stakeholders. Since implementation of the 2030 Agenda would be monitored at the national level, the ILO should not overburden itself in that area. He supported the draft decision.
- 616.** *A Government representative of Bangladesh* said that he welcomed the alignment of the Strategic Plan with the SDGs. Because job-inclusive economic growth was still fragile, particularly in developing countries, the Office should implement country-specific and flagship programmes under the End to Poverty, Women at Work and Enterprises Initiatives. Sustainable social protection systems required resource mobilization and the dissemination of ILO research and good practices in social protection. The Standards, Future of Work and Green Initiatives should address emerging challenges with due attention paid to the most vulnerable groups. He supported the draft decision.
- 617.** *The Director-General* said that the Office was aware of the risk of a proliferation of issues and had aimed to bring them into a coherent vision that provided strategic direction for the Organization; sections A and B of the Strategic Plan deliberately set out broad challenges without providing ready-made answers. The debate on the diversity of job forms, standards and marginal returns on policy instruments had revealed differences of opinion that vindicated their inclusion in the Plan so that they could be addressed over the next five years. While the focus must be on results, the outcomes sought were defined by the ILO's principles. There was encouraging support for the six components of the strategic vision for 2018–21. While measurement and monitoring were important, the Strategic Plan should not be confused with the programme and budget document; further time for reflection was needed before benchmarks for success were identified. Discussion of whether to include a fourth cross-cutting policy driver on environmental sustainability, the importance of which was not in question, should also be deferred. Because the Centenary Initiatives were quite different from one another, there was no single answer to the question of how they related to the policy outcomes. He agreed that further investment in research and statistics was needed. While it was important not to dilute the Organization's tripartite character, the enhancement of partnerships provided an opportunity to incorporate tripartism into implementation of the 2030 Agenda. The Office was following the QCPR discussions, and the relevant UN General Assembly resolution – which was expected to be adopted by the end of the current year – would have a significant bearing on the way forward for the ILO. He suggested that action on the draft decision be postponed until the Governing Body had had an opportunity to discuss the preview of the Programme and Budget proposals for 2018–19 (GB.328/PFA/2).
- 618.** *The Governing Body decided to postpone the adoption of the draft decision and to reconsider it at a later session.*

619. At the resumed session, *the Director-General* presented a reformulated draft decision, following consultation with the groups.
620. *The Employer spokesperson* endorsed the reformulated draft decision.
621. *The Worker spokesperson* endorsed the new draft decision and emphasized that the ILO had to respond to the needs of all workers, not just the most vulnerable and disadvantaged. The situation of women in the world of work needed to be addressed in a more systematic manner across the outcomes, going beyond gender equality to address the structural impact of demographic changes and the mass entry of women into the labour market. The group supported the cross-cutting policy driver of environmental sustainability with a change in terminology to “just transition towards environmental sustainability”, as it better reflected the ILO’s comparative advantage over other organizations.

Decision

622. ***The Governing Body approved the ILO’s Strategic Plan 2018–21 and requested the Director-General to take account of its guidance in the development of the programme and budget proposals for both 2018–19 and 2020–21, with particular emphasis on the results framework to better assess the performance of the Office.***

(GB.328/PFA/1, paragraph 69, as redrafted following the Governing Body’s discussion.)

Second item on the agenda

Preview of the Programme and Budget proposals for 2018–19 ([GB.328/PFA/2](#))

623. *The Chairperson* opened the discussion of the ten policy outcomes and the four cross-cutting policy drivers.
624. *The Worker spokesperson* agreed that ILO priorities had to focus on the promotion of social justice through decent work. While it was important for the ILO to prioritize a limited number of issues in order to have an impact, consistency with Conference decisions should be ensured. He welcomed the fact that each policy outcome strategy specified the SDGs and related targets to which it contributed and the links to the relevant SDG indicators of which the ILO is custodian or involved agency. Regarding the subsection on synergies across outcomes and cross-cutting policy drivers for each policy outcome, it would be useful to examine how they addressed the linkages with international labour standards. Across all outcomes, a standard and consistent reference should be made to “promoting the ratification of all up-to-date international labour standards relevant to each outcome”, rather than other terminology such as “guiding and promoting” or “advocacy for” the standards.
625. Social dialogue and tripartism should be included as a new policy outcome, not only as a cross-cutting policy driver. This was justified, as the promotion of policy coherence across ministries and the integration of decent work into national policies required targeted action and support for ILO constituents, which could not be done through other outcomes. The new social dialogue outcome should include a strong focus on collective bargaining and industrial relations as a key ILO contribution to address income inequalities. Furthermore, work towards the reduction of inequalities should be mainstreamed in a more comprehensive way

into outcomes 1, 4, 6, 7 and 8. To create space for the new policy outcome, outcomes 5 and 6 could be merged, based on the understanding that the agricultural sector is largely informal.

626. In the document to be presented to the 329th Session of the Governing Body, the results criteria under each indicator referring to “policies and programmes to be adopted by member States”, should indicate explicitly that this will be done “in consultation with the social partners”.
627. Regarding key lessons from previous work under outcome 1, the guidance provided in the 2014 recurrent discussion on employment was important, particularly paragraph 7 of the conclusions on the promotion of a comprehensive employment policy framework based on tripartite consultations. In light of sluggish demand, it would be essential to have a proper balance between demand- and supply-side measures. Evidence of the effectiveness of public–private partnerships mentioned in paragraph 15 would be appreciated, and the ILO should focus on decent job creation rather than simply job creation. Indicator 1.5 was quite vague. More detail would be appreciated, along the lines of what had been provided for indicator 1.4. Alternatively, the results criteria should reflect the issues listed in the fifth bullet point of paragraph 17 on enhanced inclusiveness of labour relations and labour market institutions.
628. Regarding outcome 2, the ILO should look at how to create a virtuous cycle between ILO normative functions, DWCPs and technical assistance, which was particularly important given that the majority of DWCPs were not used as key tools to increase ratification and implementation rates at country level. Concerning the increased coverage and reach of international labour standards through wider ratification, the ILO should focus on all workers, not only groups most at risk of being left behind. DWCPs should be used to enhance not only the application of standards, but also their ratification. On key expected changes, the focus should be on promoting the ratification of all up-to-date standards related to the four strategic objectives and cross-cutting policy drivers, and be reflected in the proposed indicators. In accordance with the ILO Social Justice Declaration, the ILO should help member States to increase ratification coverage across the four strategic objectives, with a focus on Conventions Nos 87 and 98.
629. In outcome 3, workers in non-standard forms of employment should be added to the list in paragraph 37, fifth bullet point. Concerning outcome 4, the text should explain how the ILO intended to address social enterprises and cooperatives, and how collective bargaining and improved working conditions would be promoted within that framework and in relation to the relevant Conference conclusions.
630. Regarding outcome 5, proposed to be merged with outcome 6, emphasis should be placed on promoting decent work in plantations and increasing the capacities of agricultural workers’ organizations to organize and represent the interests of plantation workers. The clear reference to the ratification and effective implementation of the relevant ILO instruments was welcomed and should be applied across all outcomes and included in the respective indicators. All regions would have to mainstream international labour standards. The subsection on synergies across outcomes and cross-cutting policy drivers under outcome 6 should refer to outcome 9, as many migrant workers become trapped in the informal economy. Paragraph 68 should include a link to a just transition. In outcomes 5 and 6 a stronger link should be made to gender equality.
631. Regarding outcome 7, a specific outcome on global supply chains was welcomed but its focus was too narrow. While safe work and workplace compliance were important, the 2016 Conference conclusions called for the promotion of decent work in global supply chains, implying a much broader approach. This should be better reflected through a change in the outcome title and additional indicators. A reference to healthy work should be included, and

the title should refer to OSH. Regarding compliance, the ILO should prioritize the strengthening of national public labour inspection systems. Reference to the Occupational Health Services Convention, 1985 (No. 161), should be included in paragraph 77.

632. A greater emphasis on Conventions Nos 87 and 98, as well as Conventions Nos 100 and 111, was necessary in outcome 8, which should also be reflected in the indicators. Paragraph 84 on key expected changes should focus on all workers and sectors rather than just workers in vulnerable situations in selected high-risk sectors. It was vital to promote a preventive OSH culture, including through collective bargaining in relation to OSH and violence at work.
633. Regarding outcome 9, it was essential to ensure the compliance of labour mobility frameworks and agreements with ILO standards, as mobility very often resulted in temporary and circular schemes associated with multiple decent work deficits. Work under that outcome should be linked to indicator 8.8.2 of the SDGs on increasing national compliance on labour rights.
634. He supported outcome 10 on strong and representative workers' organizations. The allocation of resources to support workers' organizations under outcome 10 should be based on principles as adhered to in the past. While it was relevant to include environmental sustainability as a cross-cutting issue, its title should be changed to focus on a just transition towards environmental sustainability in the world of work, to better align the terminology with the ILO agenda. Concerning international labour standards, the implementation by the Office of the SRM TWG's recommendations should be effectively reflected in the programme and budget proposals, and be allocated sufficient resources, particularly with regard to the ratification of up-to-date standards. The reference to the focus of work across all outcomes on promoting the ratification and implementation of relevant standards should also be reflected in the relevant indicators and targets for all outcomes. Regarding social dialogue, greater efforts were needed to promote the ratification of Conventions Nos 87 and 98 as enabling rights. Additional resources should be allocated for collective bargaining work by increasing human and financial resources both at headquarters and in the field. Regarding gender equality and non-discrimination, it was pertinent to look at how gender equality could lead to positive changes in the world of work and inform the work of the ILO.
635. *The Employer spokesperson* acknowledged that the outcome statements were clear, better balanced than before and that the related challenges to be addressed were well defined. However, he noted that it was difficult to appreciate the extent to which the results framework would enable the Office to better measure the ILO's contribution to achieving change at outcome level. It was imperative for each outcome to allow for the assessment of ILO action and its impact on the ground, and therefore qualitative indicators were needed in addition to quantitative indicators. The document to be presented at the 329th Session should contain greater detail on the quantitative and qualitative aspects to be measured in reporting progress against each indicator. The number of policy outcomes should be reduced even further. Some of the outcomes appeared to be subsets of others and could be combined, such as outcomes 2 and 7 as they were both compliance related. Outcome 5 could be incorporated as a subset of outcome 6.
636. For outcome 1 to be successful, both cyclical and structural changes, including labour market rigidities, should be addressed. While it was important to take into account macroeconomic policies, credible employment policies must also look at the whole picture, including labour market policies, human resources and infrastructure. The strategy in the document did not sufficiently recognize the key role of the private sector in investment and job creation, and further details on how to encourage enterprise development and private investment were required. He expressed doubts about the use of a gender-responsive approach to employment policy, stating that broader anti-discriminatory policies might be more effective. The

emphasis on a bottom-up approach through improved comprehensive employment policies and institutional frameworks grounded in tripartite engagement was welcome, and should be driven by the needs and circumstances of the constituents. The document should give greater consideration to public–private partnerships, and place more emphasis on skills development, apprenticeships, learnerships and internships. The Office should accept the Global Apprenticeships Network as a partner organization, and encourage all other forms of learnerships and internships. The document should better reflect the engagement of young people and the promotion of entrepreneurship among them in order to improve youth employment prospects.

637. On outcome 2, Employers' group priorities such as revising, updating and consolidating standards should be given more prominence, and reference should be made to the SRM. Regarding outcome 4, the Office should explain why there was no direct reference to the 17 pillars for an enabling environment for sustainable enterprises, mentioned in the 2007 conclusions concerning the promotion of sustainable enterprises and the best practices and lessons learned from its application. He disagreed with outcome 7 as it stood, as the approach to the outcome was very reductionist. Global supply chains should not be treated as distinct, stand-alone entities, as they were intertwined and overlapped with domestic supply chains. Any further dilution of the outcome should be avoided. It would be useful to know what definition of global supply chains had been used by the Office for the document. The ILO should present a comprehensive approach on the issue, with the full support of all three constituents.
638. Regarding outcome 9, the inclusion of mobility in addition to migration was welcomed. It was essential to ensure better synergy and effectiveness among the diverse partners and initiatives to tackle the issues.
639. Outcome 10 remained a matter of concern, as the employers' organizations were grossly underfunded and employers' targets under 10.1, 10.2 and 10.3 were, therefore, compromised. He requested clarification regarding the budget allocation, as it appeared that a significant amount of the strategic budget funds earmarked to support the work of employers' organizations under outcome 10 were going elsewhere; no extra-budgetary funds had been received; and ACT/EMP had received no financing whatsoever in 2016 from the regional offices under Phase I of the Regular Budget Supplementary Account (RBSA).
640. While agreeing that environmental sustainability was a major issue, further reflection was needed to determine whether it served a purpose to include this as a fourth cross-cutting policy driver, as the ILO had already addressed that dimension of the world of work, mainly through the Green Initiative.
641. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe said that the group agreed with the link being made between the promotion of social justice and the ILO's four strategic objectives. Regarding outcome 1, while sound policies existed in most member States their implementation remained challenging. Policies should seek to cover marginalized groups of people and a multi-stakeholder approach would be prudent. Regarding external partnerships under outcome 2, the Office should consider collaborating with regional economic communities. On outcome 3, most people were unable to enjoy the right to social protection. The Office should consider increased collaboration with member States so as to achieve regional blueprints on social protection as indicated in the Yaoundé Tripartite Declaration on the implementation of the Social Protection Floor. Synergies with other stakeholders, such as the ISSA, should also be considered. Regarding outcome 4, the role played by the private sector in promoting sustainable enterprises was central to addressing unemployment. While a multi-sectoral approach was necessary to ensure sustainability and greater impact, outcome 5 should also address issues related to formalizing the informal economy. Under outcome 6, one of the expected changes should focus on

increasing representation and activities for employers and workers to influence change and assist their constituents in the transition to the formal economy. Greater emphasis should be placed on building on existing research to inform effective policies and formulate strategies, and on supporting constituents in implementing their DWCPs. Outcome 7 should not be limited to workplaces in global supply chains: traditional workplaces, often characterized by decent work deficits, should also be included. Outcome 8 should incorporate emerging issues, such as recruitment and contractual practices and arrangements, and occupational safety and health. The means of action and support under this outcome were unclear and did not correspond to the challenges and expected changes. Labour administration and inspectorate systems should be prioritized. The outcome should clearly indicate the organizations that the ILO intended to partner with. Under outcome 9, the implementation of migration policies and multilateral agreements should be emphasized, and migrant domestic workers should be prioritized. A strong partnership with the International Organization for Migration (IOM) should be explored. Outcome 10 should strengthen social dialogue and promote tripartite consultation in the labour market. He requested clarification regarding how the cross-cutting policy driver on environmental sustainability cut across all ten policy outcomes.

642. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom supported the overall direction and ambition of the preview document. She appreciated that each of the policy outcomes specified the SDGs and related targets to which it contributed and made links to the relevant SDG indicators. She also welcomed the linkages drawn between the outcomes and the various Centenary Initiatives and ILO flagship programmes. She supported the continued inclusion of gender equality and non-discrimination, international labour standards and social dialogue as cross-cutting policy drivers. She requested clarification regarding the addition of environmental sustainability as a cross-cutting policy driver in terms of ILO action and asked whether the ILO had the relevant expertise in this field. She welcomed the notion of ILO partnerships on environmental sustainability issues. While she welcomed the inclusion of preliminary indicators for each outcome, it was sometimes unclear how baselines could be determined or progress measured. Few of the indicators allowed any assessment of ILO achievement or accountability. She expressed the expectation that refined and strengthened indicators, baselines and measureable qualitative and quantitative targets, would be developed for discussion at the 329th Session. The cross-cutting policy drivers, such as gender equality, should be better reflected in the policy outcomes. Sufficient resources should be earmarked for standards work. Further reflection was necessary on partnerships in certain outcomes. In outcome 2, IMEC would have welcomed a reference to the Office of the United Nations High Commissioner for Human Rights (OHCHR). Outcome 7 should include the United Nations Guiding Principles on Business and Human Rights. She welcomed the continued focus on strengthening the ILO's knowledge base and supported the planned ILO work on developing policy-oriented research, thereby increasing the capacity of member States to produce, use and disseminate labour statistics, including by developing labour market information systems and analyses; and engaging in targeted advocacy, communication and capacity development for constituents. IMEC supported the proposed outcomes and indicators for the three enabling outcomes and looked forward to detailed elaboration of the baselines, targets and proposals for measuring success and to the draft indicators for the other outcomes.

643. *A Government representative of China* said that his Government appreciated the very detailed preview of the programme and budget proposals, which were closely aligned with the 2030 Agenda and the SDGs. The Office should make the indicators more targeted and measurable to reflect the differences and priorities of its Members. More resources should be invested in promoting employment and expanding social protection.

644. *A representative of the Director-General* (Director of the Strategic Programming and Management Department (PROGRAM)) said in response to the question on measurements asked by the Employer spokesperson, that PROGRAM and the Evaluation Office (EVAL) had been collaborating closely to develop the results framework for the Programme and Budget for 2018–19. EVAL was a member of a working group established by PROGRAM to provide methodological guidance to ILO units and to improve the results framework and measurement criteria. In response to the IMEC request for clarification regarding indicators, criteria for measuring progress, targets and baselines, he stated that they were being developed and refined and would feature in the final document presented to the Governing Body in March 2017. He suggested that a question relating to the independence of the evaluation function could be addressed during the discussion on Joint Inspection Unit (JIU) matters. Responding to the Employer spokesperson's question concerning the budget allocation, he clarified that the RBSA was accessible to all and that on the basis of proposals sent by units to the regions regional directors made a selection for funding. He noted that even if ACT/EMP did not receive the funds directly in Phase I taking into account the small allocation available at the regional level, it did not mean that funds were not being used for employers' activities. He reiterated that his department was available to meet to explain the budget again and to ensure that Employers' groups' views were taken into account in the budget proposals to be presented at the 329th Session.
645. *The Chairperson* opened the discussion of the three enabling outcomes.
646. *The Employer spokesperson* said, with reference to the enabling outcome A, that he would like to see not only products produced on time, but products that were recognized as reference documents, as well as seeing the ILO recognized in international forums as one of the leading agencies in the field of social and labour studies. He sought clarification as to whether the results "from latest refinements to methodologies tested by the Office" on measuring decent work, mentioned in paragraph 137, were linked to the method based on the coding of violations. His group had great reservations to that approach. Regarding enabling outcome C, care should be taken to ensure that resources did not remain unspent at the end of the biennium. Everything under the outcomes should be done with clear, unambiguous indicators and equitable resource allocation. Regarding the work leading to the proposals to be presented to the 329th Session, Office consultations should be more than mere information sessions, and instead a consultative process was needed.
647. *The Worker spokesperson* noted that advocacy had been replaced by knowledge management in enabling outcome A. Given the need for the ILO to continue to advocate for decent work, the reference to advocacy should be retained and reflected in appropriate indicators that require a broader focus than knowledge management and research for decent work. In line with the 2016 resolution on Advancing Social Justice through Decent Work and the 2030 Agenda, it would be important to have an indicator on the measurement of decent work using decent work indicators.
648. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe noted that while the ten policy outcomes had remained the same, the enabling outcomes had changed. Outcome A no longer had a critical component on creating and strengthening synergies with other multilateral organizations. Synergies with other UN agencies should be prioritized as an enabling outcome, particularly considering the 2030 Agenda, and it was more important than ever to work closely at the country level through United Nations Development Assistance Frameworks (UNDAFs). Advocacy for decent work should be retained.
649. *The Director-General* underscored that he would ensure that meetings were not merely informative but part of a consultative process. Responding to comments made about there being too many policy outcomes, he noted that the Office had previously proposed seven

policy outcomes, but the Governing Body had preferred ten. He also noted that there had already been deliberations and different conclusions drawn from previous Governing Body discussions on the relative merits of merging or separating outcomes 5 and 6. Careful thought would need to be given to the merging or creation of new outcomes and to the precise formulation of others. Regarding a fourth cross-cutting policy driver on environmental sustainability, he recognized that there was interest, but that Governing Body members required further information. He appreciated the guidance received and expressed the hope that the proposals presented to the 329th Session would meet with Governing Body approval.

Outcome

650. *The Governing Body provided guidance to the Office on the draft proposals and took note of the report in document GB.328/PFA/2.*

(GB.328/PFA/2.)

Third item on the agenda

Update on the headquarters building renovation project ([GB.328/PFA/3](#))

651. *A representative of the Director-General (DDG/MR) said that while the review of the renovation works had caused a brief delay, that would not affect the ultimate schedule for the completion of work and cost savings had been generated. The Swiss Confederation had approved the loan of 70 million Swiss francs (CHF) over a period of 30 years. The terms and conditions of that loan, including the applicable interest rate, would be discussed shortly. The Office was discussing the terms and conditions obtained by other UN agencies in respect of loans recently approved by the Swiss Confederation. He underscored efforts to develop a policy based on potential donations in respect of deferred works and works outside the initial scope of renovations.*

652. *The Worker spokesperson said that his group was pleased to note that health and safety issues were being managed well, savings were being made and contractors' compliance with labour and social security legislation was being monitored. The Office should ensure basic functions in rooms used for tripartite negotiations during the renovations. His group agreed that the renovation of the lower floors should be managed as a package, to prevent cost increases. Although previous proposals to seek voluntary contributions for unfunded works had not generated interest, the Office should explore that possibility. Reputational issues would require careful consideration and all groups would need to be involved. His group supported the option of special assessments by member States, an approach adopted for the renovation of the UN headquarters in New York. His group encouraged the Office to continue negotiations with the Swiss authorities and supported the draft outcome.*

653. *The Employer spokesperson said that his group was pleased to learn that the Swiss authorities had approved the loan and commended the Office for saving on renovation costs through value engineering, remaining on track within budget and maintaining safety and health standards. While he agreed that renovation of the lower floors should not be carried out piecemeal, he asked how those works would be funded, as governments had previously appeared unwilling to provide further funding. He further asked the Office to clarify whether the unfunded renovation of the conference centre in line with safety, health and quality standards was optional or compulsory.*

654. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe welcomed the information concerning possible savings from value engineering and strong commercial negotiations. He thanked the Office for following up on the request made by the Governing Body in March 2016 to prepare a list of potential donation packages and expressed the hope that it would intensify efforts to mobilize resources by engaging with donors to finance currently unfunded works.
655. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom welcomed efforts to identify cost savings from value engineering and requested a figure for the savings obtained, in order to ascertain the extent to which they would cover the costs of the out-of-scope works to renovate the lower floors. While donor funding would only contribute to unfunded works of lower priority, it would cover much of the renovation cost for the lower floors. He welcomed the efforts of the Office to reduce costs through the sale of land and to obtain a loan from the Swiss authorities on preferential terms, in addition to its discussions with local authorities on subsidies for environmental protection works. His group opposed any option entailing an assessment on member States and encouraged the Office to seek savings and alternative financing, such as donation packages.
656. *A Government representative of Mexico* applauded the Office for the savings made during the renovation works, the limited impact of the works on its functioning and the fact that they remained within the approved budget. While unfunded works should take precedence, renovation of the parking and general service areas was not currently a priority. She urged the Office to continue to identify possible savings and alternative funds for the renovation of the conference rooms, which should be financed exclusively by means of voluntary contributions. She supported the initiatives outlined in the document under discussion and looked forward to more detailed information on their results in the following Governing Body. The Office could adopt the approach followed by the UN Office at Geneva to obtain donor funding for the renovation of its buildings.
657. *The representative of the Director-General (DDG/MR)* said, in response to concerns expressed regarding safety, health and quality standards of the conference centre, that the current approved budget included the most urgent fire and safety aspects, such as fire escapes. Other aspects referred to in paragraph 13 of document GB.328/PFA/3, while not as urgent, were certainly required to bring the building into line with current safety and health regulations and were considered priority matters. In response to the request from IMEC for a figure for the savings obtained, he said that while certain aspects of future renovations remained unpredictable, the Organization's share of cost savings identified to date were in the order of CHF4–5 million.

Outcome

658. ***The Governing Body took note of the progress report regarding the headquarters renovation project figuring in document GB.328/PFA/3.***

(GB.328/PFA/3, paragraph 23.)

Audit and Oversight Segment

Fifth item on the agenda

Annual evaluation report 2015–16

([GB.328/PFA/5](#))

659. *The Employer spokesperson* asked to what extent the findings of the independent evaluation of the evaluation function improved and informed the Organization’s work, in view of the challenges ahead of EVAL with respect to mapping out theories of change to align the SDGs and the ILO’s Decent Work Agenda, and using impact evaluations to assess development effectiveness. The information pertaining to the evaluation of Azerbaijan and other examples, set out in paragraph 41 of document GB.328/PFA/5, provided welcome evidence of how evaluations could be catalysts for change. His group would welcome further such details in future annual reports. With regard to recommendation 1, he expressed concern about the feasibility of cluster and programme-level evaluations in terms of cost, management and the formulation of useful recommendations for the stakeholders concerned. While supporting the use of impact evaluations as outlined in recommendation 2, he asked whether the Office had the capacity and resources to scale up its efforts in that area and, if not, how it would address that shortcoming. He also asked whether all elements referred to in the ILO’s Strategic Plan would be covered in EVAL’s future programme of work. The topics “formalization of the informal sector” and “more and better jobs for inclusive growth” should be considered for high-level evaluation for the programme of work 2017–19. Given that unemployment was a widespread problem, priority should be given to a high-level evaluation of outcome 1, focusing on impact assessment and to an evaluation of the strategy and results of outcome 6, given its broad scope. His group endorsed the draft decision.
660. *The Worker spokesperson* invited EVAL to continue efforts to address the challenges related to a growing demand for high-quality evaluations and welcomed the expanding role of the Evaluation Advisory Committee. It was important to link evaluations to strategies and programmes in order to optimize their contribution to high-level discussions of the International Labour Conference and the Governing Body. His group looked forward to the report on the independent evaluation of the evaluation function, discussion of which in March 2017 would generate recommendations for the subsequent evaluation strategy to be submitted to the November 2017 session of the Governing Body. He invited EVAL to comment on the shortfall in the number of internal evaluations received and asked whether the i-Track database was widely used by staff. His group endorsed recommendation 1 on the promotion of more cluster and programme-level evaluations, which would reduce the need for EVAL oversight and shift the focus to quality. He expressed concern that the gender component was poorly rated in the assessment of the quality of independent project evaluations and encouraged the Office to address that issue. He further invited the Office to follow up on the action points identified in paragraph 44 of the document in order to improve the quality of independent evaluations, and to ascertain why no significant difference had been noted between the quality of evaluations produced under trained and untrained managers. In that connection, he stressed it worth recalling that the last annual report mentioned a saturation point had been reached in respect of evaluation capabilities of non-EVAL staff.
661. Turning to assessment of the ILO’s contribution to the SDGs, he underscored that the ILO needed to mainstream its Decent Work Agenda into the SDGs, rather than incorporating the SDGs into ILO interventions, so that the ILO Agenda was not determined by the SDGs. In that light, and increasingly as more organizations were involved in the Agenda, his group supported the view expressed in paragraph 70 of the document that the ILO must prepare

itself so that it could demonstrate the contribution of its Decent Work Agenda to the SDGs. It must also advocate its mandate relating to the implementation of the SDGs based on its standards and supervisory system, and advocate tripartism. His group endorsed recommendation 2 and the draft decision.

- 662.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe underscored the importance of training and awareness raising on evaluation systems and welcomed the continuous training of ILO officers. While her group applauded the sterling work of the Evaluation Advisory Committee, it noted with concern that staff turnover had been high in 2016 and asked why that was so and what could be done to address that situation. Agreeing that evaluation topics could contribute more effectively to high-level discussions, she sought assurance that they would be aligned with the process for the identification of recurrent discussions in future sessions of the International Labour Conference or policy outcomes for discussion. She welcomed the new knowledge-sharing platform and expressed the hope that the i-Track database would be included in the new platform modules. Referring to Part II of the document, on assessing the ILO's effectiveness and results, her group invited the Office to clarify why two types of monitoring and reporting mechanisms were needed. She requested further information on theories of change and on progress achieved in incorporating the SDGs into major ILO interventions, observing that the need to review existing evaluation tools used to assess progress by member States and evaluate the Office's effectiveness, impact and efficiency could have formed part of the recommendations contained in the document. Her group called for further capacity-building efforts on monitoring and evaluation at the national level, once the aforementioned changes had been concluded. She requested further information and clear explanations relating to the recommendations contained in paragraph 33 of the document, in particular on cluster and programme-level evaluations, and in paragraph 71.
- 663.** *Speaking on behalf of IMEC*, a Government representative of Norway welcomed positive developments with respect to all outcomes as stated in the report. Her group was looking forward to the report from the independent evaluation of the evaluation function and recommended that this evaluation also considers the recommendations from the 2014 JIU report on further strengthening the structural independence of the evaluation. Her group would welcome further information on the influence of evaluations on strategic planning in connection with the Programme and Budget for 2018–19. Noting the low submission rate of internal evaluations and self-evaluations, while also observing that submissions are a management responsibility, she asked about the quality of the internal evaluations received and whether they were of a standard relevant for management. In addition to internal evaluations, external evaluation results should be included in the i-Track database as they would contribute to institutional learning. Furthermore, her group urged that recommendations made in the framework of external evaluations should be included in the management response exercise.
- 664.** While harmonization of the ILO's evaluation practices was essential, it was important for the Office to remain flexible where its reporting and accountability requirements diverged from those of donors and increasingly so as new partnerships developed. She expressed the hope that the independent evaluation of the evaluation function would consider the effectiveness of interventions aimed at improving quality to date. She asked what the impact of reducing the number of project evaluations in the interest of increasing quality would be, whether the number of smaller projects was evenly distributed among the different outcomes and who would oversee the evaluations of smaller scale projects. Since turning to cluster evaluations could cause important issues to be overlooked, her group considered it inadvisable and requested further information on the criteria used to determine when such evaluations would be appropriate, in order to inform its view on recommendation 1.

665. Her group strongly endorsed EVAL's efforts to implement the Decent Work Agenda and ensure its alignment with the relevant SDGs, and supported the proposal to make a strong theory of change a requirement at all levels of the ILO's results-based management system. In respect of recommendation 2, which IMEC supported, the main focus should be on the quality of impact evaluations, rather than increasing their numbers only. The findings should be effectively shared with relevant stakeholders. Her group recommended that the Office should continue to implement the recommendations from previous years. Pending clarification of the options set out in paragraph 33, it proposed deleting reference to paragraph 33 from the draft decision. Subject to that amendment, IMEC supported the draft decision.
666. *A representative of the Director-General (Director, Evaluation Office (EVAL))* noted in response to questions raised that the evaluation strategy had been implemented for over five years and annual reports on progress made to constituents. From the outset, the ILO had been committed to an independent evaluation of the strategy every five years and that this fully independent exercise would seek input from constituents and yield inputs towards the new evaluation strategy.
667. The issue of independence, both behavioural and structural, was central to the credibility of the evaluation function and had been strengthened since 2011 when EVAL was turned into a separate structural entity. Recommendation 4 of the JIU report related to the appointment of the head of EVAL and whether or not the candidate appointed should be a career official, and not to structural independence. It should be noted that that recommendation had been made to all 24 UN agencies being reviewed, not solely to the ILO, which had rejected the recommendation because it would contradict its human resources policies. In connection with internal evaluation target shortfalls, although progress had been made the focus was on independent evaluations. Responsibility for internal evaluations was part of evaluation culture and fell to management, which had a duty to communicate to colleagues the importance of self-evaluation. With regard to the i-Track database, information about its use by external users cannot be measured. EVAL is about to introduce a new application which will make the database more user-friendly, supplying good practices and lessons learned with more measurements, including how widely it was used. The i-Track database includes all independent, internal and external evaluations provided they had been received. Concerning the training of evaluation managers, the assessment of the quality and impact of the training which showed that it made no difference in statistical terms was based on a very small sample. The training would continue to be assessed and, if necessary, the approach would be revisited. With regard to the assessment of the ILO's contribution to the SDGs, the focus should remain on its achievements in respect of the Decent Work Agenda, while considering as well how outcomes would contribute to the SDGs. In response to the concerns expressed by the Africa group and the Employers' group about impact evaluation, he noted that such evaluations were costly and should focus on identifying evidence gaps in policies rather than evaluating every programme. Lastly, the recommendation to increase cluster evaluations had arisen from the need to balance quantity and quality and to combat evaluation fatigue among constituents. With a small team of five professional staff responsible for more than 60 evaluations annually alternatives had to be explored and the recommendation to undertake more cluster evaluations was suggested as an option to be considered when it fits the purpose only.

Decision

668. ***The Governing Body took note of the report figuring in document GB.328/PFA/5 and endorsed the recommendations (paragraphs 33 and 71) to be included in the ILO's rolling plan for the implementation of recommendations to be reported on***

in the annual evaluation report 2016–17. It also confirmed the priorities identified in the report for the programme of work 2017–19.

(GB.328/PFA/5, paragraph 72.)

Sixth item on the agenda

Discussions of high-level evaluations (strategy and Decent Work Country Programme evaluations) ([GB.328/PFA/6](#))

- 669.** *The Worker spokesperson* said that, on the skills evaluation, given the lack of coherence between action in the field and the Strategic Policy Framework, his group welcomed the Office's response to recommendation 1 and its intention to refine skills indicators in the next programme and budget based on Conference conclusions and ILO instruments. That work should be coordinated with the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR). ILO skills work should indeed relate to SDG 4 (Quality education). Technical support should be made available for regions that required it. It would be wise to consolidate the skills strategy into a single document designed to raise staff and constituent awareness. His group was also in favour of stepping up the Office's efforts to improve the capacity of workers' and employers' organizations to develop skills policies and programmes. Collective bargaining could promote the development of vocational education and training. On speaking about the DWCP Western Balkans report, he noted that while the alignment of DWCPs with constituents' needs was welcome, constraints on the Office's capacity had hampered its ability to service all the countries covered by the Programme. If a DWCP was to have a sustainable impact, it would be essential to strengthen the tripartite consultative process by involving DWCP steering committees more in all phases and by systematically designing project exit strategies. His group agreed with the draft decision.
- 670.** *The Employer spokesperson* said that it was vital to develop skills in an evolving labour market. Skills-related activities should therefore be made more relevant to constituents' needs and the ILO should explore partnerships with other international organizations which were developing expertise in skills development projects and enterprise surveys, especially those which supported ILO field initiatives, in order to enhance the impact of programmes while requiring fewer resources. Innovative ways to develop and track skills development data should likewise be sought. If the Skills and Employability Branch (SKILLS) had joined forces with the members of the ILO Global Business and Disability Network, training for people with disabilities, which met enterprise needs, indicator 2.3 of the Strategic Policy Framework could have been met. The efficiency and impact of the ILO's skills work, which was essentially aimed at higher productivity, could also have been improved by using information gleaned from the policy work on skills requirements done by ACT/EMP in 2014–15. Supply could be more closely aligned with demand by involving ACT/EMP in skills demand assessment.
- 671.** As skills requirements were shifting, because the world of work and the future of work were constantly changing owing to new technology and ways of working, the ILO should review its tools, training models and activities to ensure that they took account of new trends. He asked the Office what steps it had taken to ensure the effective engagement of ACT/EMP and employer constituents in the new initiative on jobs and skills mismatches. Since employer organizations had a critical role to play in joining with education, technology and labour ministries to shape the skills agenda, he requested specific details of the Office's plan to promote cooperation among constituents on skills development and he proposed that the

Office should submit to the Governing Body a concrete action plan on skills development which would address constituents' needs in current and future projects and programmes. The Governing Body should have the possibility to review the progress in a year's time.

672. As far as Part II of the document on the DWCP evaluation was concerned, it would have been helpful if paragraph 47 had explained what was meant by "minimal impact" and the reasons for it, and if a separate assessment had been made of the impact of the ILO's work to strengthen the capacity of the three constituent groups and of the return on the funds invested in their capacity building. His group supported the draft decision.
673. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe welcomed the recommendation that the ILO should respond to the demand for skills development, as it was a fundamental enabler of decent work. The ILO must be driven by constituents' needs in order to ensure the sustainability and impact of programmes. She looked forward to the introduction of the enhanced data capture model which would improve the reporting and evaluation mechanism by providing hard data on the progress of outcomes and use of resources.
674. Turning to the evaluation of the DWCP for the Western Balkans, her group urged the Office to review its technical and financial support for that subregion and to strengthen technical backstopping in field offices. Her group wished to know why the Office had only "partially" accepted recommendation 2. It supported the draft decision.
675. *Speaking on behalf of IMEC*, a Government representative of the Netherlands invited the Office to make the best possible use of the recommendations in both reports in order to strengthen the ILO's results-based management and make it more responsive to constituents' needs.
676. In order to ensure coherence between activities and the Organization's overarching strategy, activities financed in the regular budget should be more closely aligned with the programme of work. In addition, the results of the activities should be monitored to promote ownership by the constituents. She requested more information on the enhanced data capture model that would become effective from 1 January 2017 and its relationship with IRIS. Feedback between field offices and headquarters was crucial to enhancing the effectiveness of ILO development cooperation. Gender concerns should be systematically reflected in future reports.
677. Continuous monitoring would help to ensure that constituents' needs for skills-related activities were met and to address regional imbalances in the allocation of funds. The Office should also explore the possibility of mobilizing South–South and triangular cooperation in its skills strategy.
678. She requested an indication of expected timelines for efforts to devise an electronic system for keeping central records of major development cooperation programmes and key work items.
679. IMEC saw merit in extending ILO outreach to relevant organizations other than its tripartite constituents under the Governance or Future of Work Centenary Initiatives as a means of increasing stakeholder participation in programming cycles and possibly involving stakeholders at grassroots level.
680. The group wished to be kept informed about the follow-up to the recommendations. It agreed with the draft decision.

- 681.** *A Government representative of India* stressed the importance of skills development in the current context of labour mobility, migration and informality. He requested clarification of the ILO's skills strategy and wondered how the Organization envisioned its skills development role in view of the vast global needs for a skilled workforce. He urged the ILO to concentrate on its core competencies in its skills work, for example by serving as a repository of information on sector-specific best practices in skills development. He agreed with the findings in paragraph 16 of the document and he supported the draft decision.
- 682.** *A Government representative of Bangladesh* considered that the Office's skills development programme should be redesigned in order to secure longer term sustainability. A lack of internal coherence in the skills strategy might have an adverse impact on developing countries. The Office should intensify skills development activities in densely populated regions with high levels of adult and youth unemployment in order to ensure decent working conditions and should promote universally accepted forms of apprenticeship and skills recognition. He supported the draft decision.
- 683.** *A representative of the Director-General* (Director, EMPLOYMENT) said that the evaluation of the skills strategy and the issue of coherence referred to the previous programme and budget framework and outcome 2 under the 19 outcomes. Therefore the contents of the report reflected the past rather than the current or future situation with regard to the programme and budget and its indicators. As noted, action in that regard under recommendation 1 of the evaluation had already been acted upon in the current Programme and Budget for 2016–17 with new indicators and results frameworks, and these were further improved upon in the proposals for 2018–19 to reflect more accurately the range and diversity of constituents' demands and the ILO's response. With respect to the content of ILO strategy and activities, the evaluation had noted the high relevance of the ILO's work on skills to the full satisfaction of constituents. Furthermore, in view of the concise nature of the programme and budget text, a separate document detailing the ILO's strategy on skills will be prepared as per the recommendation of the evaluation. She recalled that the content of the ILO's work and strategy on skills which in the current biennium is reflected under outcome 1 had been fully discussed in the previous Governing Body session (March 2016) and the implementation took into account the endorsement and guidance of the Governing Body including with respect to the global product on jobs and skills mismatches as well as a contribution to the Future of Work Initiative. In the area of skills, the ILO had strong partnerships, and collaborated closely, with other organizations and UN agencies, such as in the TVET interagency network, collaborating with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on Goal 4 of the SDGs, the World Bank and the European Commission on a number of skills initiatives, and in the context of the UN system-wide Global Initiative on Decent Jobs for Youth.
- 684.** *A representative of the Director-General* (Regional Director for Europe and Central Asia, ILO Regional Office for Europe and Central Asia) said that the Office had taken note of the nine recommendations flowing from the independent evaluation of the ILO's DWCP strategies and actions in the Western Balkans and that, in order to increase their impact on the sustainability of its work, it would seek to enhance the tripartite ownership of DWCP priorities in order to achieve a more participatory approach, including at the local level whenever possible. An effort would be made to mobilize new funds and generate new institutional partnerships that would make it possible to expand outreach and the effectiveness of the ILO's work in the subregion and also to promote subregional communities of practice which would facilitate peer learning and cross-fertilization. The Office would, however, have to pursue its flexible and adaptive approach to the region's needs.

Decision

685. *The Governing Body requested the Director-General to take into consideration the recommendations (paragraphs 18–24 and 60–68) of the two high-level independent evaluations presented in document GB.328/PFA/6 and to ensure their appropriate implementation.*

(GB.328/PFA/6, paragraph 79.)

Seventh item on the agenda

Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU ([GB.328/PFA/7](#))

686. *The Employer spokesperson*, asked why the Office had not accepted recommendation 4 concerning the review of existing policy for the appointment of the head of the evaluation office in each UN system organization in order to enhance independence, integrity, ethics and the credibility of that function. The Employers' group urged the Office to follow through on all of the recommendations on the use of non-staff personnel and related contractual modalities in the UN system in order to ensure that contracts were managed in the most efficient and effective manner. With reference to the report on the evaluation of mainstreaming full and productive employment and decent work by the UN system organizations, the group drew attention to the fact that the objective of more proactive awareness-raising and training activities in the context of the SDGs should be mainstreaming not only decent work, but also productive employment.

687. *The Worker spokesperson* said that while the Workers' group supported the Office's position on the JIU report concerning the Post-Rio +20 review of environmental governance within the UN system, they were concerned that some of the JIU recommendations were inconsistent with resolutions adopted by the United Nations Environment Assembly and they therefore called on the JIU to ensure respect for such decisions in the future. Efforts should indeed be made to avoid conflating environmental sustainability and sustainable development. His group supported the Office's position in respect of the evaluation of mainstreaming full and productive employment and decent work by the UN system organizations, as well as the recommendation thereof regarding ILO action (No. 5). The recommended activities targeting the staff of UN system organizations should lead to greater policy coherence in achieving full and productive employment and decent work at country level. However, the capacity building of ILO constituents and workers' organizations should also be a priority. His group was also in favour of including the refugees and asylum seekers in country-level UN programming frameworks and decent work efforts of the UN system, in light of their vulnerability to human trafficking and forced labour.

688. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe supported the Office's position on recommendations 2 and 5 relating to the use of non-staff personnel and related contractual modalities in the UN system organizations, as the existing arrangement made business sense. Her group commended the International Training Centre of the ILO on having mainstreamed SDGs in its programmes. As in the past the group had advocated the discussion of climate change in a high-level segment, it welcomed the Office's acceptance of the five recommendations on climate change.

689. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that a number of reviews taking place could underpin reform efforts in areas including administrative service delivery, knowledge management and travel policies. He welcomed the ILO's critical yet positive approach to the recommendations in recent reports, as well as the start of a repeat evaluation of the ILO's evaluation policy in 2016 in response to recommendation 7 on the evaluation function in the UN system. His group was happy to see that the Office made a careful cost–benefit analysis of recommendation 3 and agreed with the Office in considering the recommended action costly and impractical. Knowledge of recent trends in the use of external collaborators and consultants might prove useful for the Governing Body, as placing too much reliance on such collaborators and consultants could have an impact on the future composition of the ILO staff and the knowledge base of the Organization. IMEC requested the Office to explain whether the relevant information could be shared. It looked forward to learning more about the follow-up to the JIU's evaluation of mainstreaming full and productive employment and decent work by the UN system organizations. Interaction with the Office's management regarding the JIU's recommendations would help the Governing Body to exercise its oversight duties and could strengthen the culture of continuous improvement throughout the Organization.
690. *A Government representative of Mexico* asked why the ILO could not accept the recommendation that the head of the evaluation office should serve a single term of office, with no possibility for re-entry to the Organization. Given that the ILO sought to maintain the highest standards of independence and credibility with regard to its evaluation function, the Office should re-examine the issue in light of the experience of the organizations identified in the JIU report. She asked for an update on that matter at the Governing Body's 329th Session. In line with the Director-General's commitment to greater transparency and accountability, the Office should implement recommendations 2 and 5 on the use of non-staff personnel, to enable the Governing Body to fulfil its oversight role, particularly during the examination of the overall management of the Office.
691. *A representative of the Director-General* (Director, PROGRAM) said that the adoption of the 2030 Agenda had improved awareness of the need to mainstream full and productive employment and decent work into the UN system organizations. He provided examples of partnerships with other UN agencies that have contributed to increase awareness. In that context, an "ILO Decent Work for Sustainable Development starter pack" for the constituents and ILO and UN staff was being devised in collaboration with the International Training Centre of the ILO and under the leadership of the Multilateral Cooperation Department (MULTILATERALS). The Office would continue with the current arrangement concerning the use of non-staff personnel and consider ways to make relevant information available. The comment regarding the appointment of the head of the evaluation office would be taken into account. Relevant information explaining the Office's position had been previously provided.

Outcome

692. ***The Governing Body took note of the report contained in document GB.328/PFA/7 and invited the Office to take the views expressed during its discussion into consideration.***

(GB.328/PFA/7.)

Personnel Segment

Eighth item on the agenda

Statement by the staff representative

693. The statement by the Chairperson of the Staff Union Committee is reproduced in Appendix I.

Ninth item on the agenda

Amendments to the Staff Regulations: Changes to the common system compensation package for the Professional and higher categories as of 1 January 2017 ([GB.328/PFA/9](#))

694. *The Employer spokesperson* said that the measures presented in the document were made necessary by the reform of the compensation package adopted by the UN General Assembly, and thanked the Office for the information it had provided, particularly on transitional measures, and on that latter point requested that they appear in the record. He supported the draft decision.
695. *The Worker spokesperson* said that a positive and constructive climate was important to promote a stable system of labour relations, which was necessary for progress in human resources management. Recalling the UN General Assembly resolution of 2015 on the Common System Compensation Package, he supported the draft decision.
696. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that the amendments were both commendable and necessary, but he had hoped also for a summary of the proposed changes. The consultations held in the Joint Negotiating Committee (JNC) were in the interest of transparency and trust. The amended Staff Regulations would lead to the increased productivity and motivation of the staff concerned, which would, in turn, benefit governments and social partners. He supported the draft decision.
697. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that the group welcomed the amendments, which aligned with the practices of other UN agencies and contributed to “One UN”, and the involvement of the JNC. However, the motivations and budgetary implications of the Chapter IX amendments were not clear regarding the payment of expenses upon appointment for less than two-year contracts. The savings would be welcome and should be reflected in the Programme and Budget proposals for 2018–19. IMEC reiterated its request for information on the financial and workforce planning implications of the changes to the mandatory age of separation as decided by the UN General Assembly and supported the draft decision.
698. *A Government representative of Mexico* said that the changes would bring the ILO into line with the UN General Assembly resolution, and highlighted that the Office had respected the UN’s timeline. The package was in line with Mexico’s expectations, particularly in relation to staff costs. She noted the predicted savings of US\$170,000 for 2017 and US\$2.2 million over the 2018–19 biennium, which would hopefully be reflected in the Programme and Budget proposals for 2018–19.

699. *A Government representative of China* said that the reform would reduce budgetary pressure and would provide an encouragement to send staff to those regions of the world where they were most needed.
700. *A representative of the Director-General* (Director, Human Resources Development Department (HRD)) responded to the Africa group by saying that a summary had been submitted to the 326th Session of the Governing Body. On the transitional measures, staff acquired rights (salary, pensionable remuneration, repatriation grant, and mobility and non-removal allowances) would be protected by a number of measures either already in place or pending the implementation of the package. The Chapter IX amendments were neither specifically related to the UN General Assembly decision nor to the International Civil Service Commission, rather to the need to simplify some provisions of the Staff Regulations and promote staff mobility, as some current arrangements were cumbersome and rarely used. The financial impact was minimal. Regarding the change to the mandatory age of separation, a paper outlining the workforce planning implications would be submitted to the next session of the Governing Body following internal discussions.

Decision

701. ***The Governing Body approved the amendments to the Staff Regulations contained in the appendix to document GB.328/PFA/9.***

(GB.328/PFA/9, paragraph 6.)

Tenth item on the agenda

Matters relating to the Administrative Tribunal of the ILO: Withdrawal of the recognition of the Tribunal's jurisdiction by the Permanent Court of Arbitration (GB.328/PFA/10)

702. *The Worker spokesperson* said his group supported the draft decision.
703. *The Employer spokesperson* said that his group supported the draft decision. However, information on the reasons behind the decision of the Permanent Court of Arbitration (PCA) to withdraw its recognition of the jurisdiction of the Administrative Tribunal of the ILO would be welcome.
704. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group supported the draft decision.
705. *A representative of the Director-General* (Legal Adviser) said that the Office had not enquired into the reasons behind the PCA's decision, but that it had requested and received a copy of the Court's revised Staff Rules and Directives. It appeared that the decision was financially motivated, as the fees of the new, sole arbitrator of the PCA would be capped at €5,000 per arbitration in 2016, thereafter to be adjusted for inflation. The decision of the PCA did not appear to mark the start of a new trend, as two further international organizations wished to accept the jurisdiction of the Administrative Tribunal and work was ongoing to examine their requests in that regard by March 2017.

Decision

706. The Governing Body:

- (a) took note of the intention of the Permanent Court of Arbitration (PCA) to discontinue its recognition of the jurisdiction of the Administrative Tribunal following the revision of its Staff Rules and Directives dated 1 July 2016;*
- (b) confirmed that the PCA would no longer be subject to the competence of the Tribunal with effect from 1 November 2016, except as regards the complaint (Case AT-5-3895) currently pending before the Tribunal;*
- (c) requested the Director-General to follow up with the PCA secretariat regarding the payment of any outstanding costs.*

(GB.328/PFA/10, paragraph 7.)

Appendix I

Statement by the Chairperson of the Staff Union Committee to the Programme, Financial and Administrative Section of the Governing Body (328th Session – 1 November 2016)

Chairperson,
Director-General,
Ladies and gentlemen, members of the Governing Body,
Dear colleagues,

I have the honour to address you today as Chairperson of the ILO Staff Union, which represents 70 per cent of the Organization's staff members. For many years, it has been customary for the representative of the Staff Union to inform you of its position on the session and on the documents presented in so far, of course, as these documents have an impact on the working and service conditions of the Organization's staff. It also gives you, the members of the Governing Body, an opportunity to assess the status of social dialogue within the ILO.

Labour relations

Since this session is slightly different in that it marks the end of a Director-General's first four-year term of office, the Staff Union would like to comment briefly on the issue of social dialogue.

In 2012, as you know, the situation of labour relations in the ILO was not encouraging and, in any case, did no credit to the Organization. To put it simply, we had stopped talking to each other. Since the arrival of the current Director-General, Mr Guy Ryder, management and the staff representatives have worked slowly but surely to reweave the fabric of social dialogue. The past four years have involved hours of observation rounds, discussions, negotiations and periods of both calm and turbulence. But at least dialogue has not faltered since then and the Staff Union welcomes this development.

Moreover, the fact that several collective agreements were signed during this period is proof of the benefits of collective bargaining, which ensures a degree of social harmony even within an international organization in which it is sometimes difficult for the staff representatives to identify the officials with whom they should be speaking. In any event, these representatives strongly hope that with the appointment of a new UN Secretary-General, the ILO will serve as a model for labour relations and that its staff, constituents and Director-General, working together, will apply their persuasive skills to make collective bargaining a reality throughout the UN system. This is in all of our interests.

Even within the Office, where tripartism is customary, the fabric of social dialogue is fragile and, like a fishing net, requires constant care to keep it from unravelling.

To that end, the ILO Staff Union and management have taken another step in strengthening labour relations this year by, among other things, improving the functioning of the Joint Negotiating Committee through the appointment of an independent Chairperson. The staff representatives hope that this joint decision will help to ensure that positions are balanced, tangibly improve the Staff Union's access to the information required for negotiations and lead to calmer discussions.

Of course, significant challenges lie ahead for the ILO and its staff, so I will now share with you the staff members' current concerns about the documents submitted for your consideration and approval during this session.

***Implementation of the UN General Assembly's
decisions on the compensation package
(GB.328/PFA/9)***

As you know, the conditions of service of ILO staff members are governed in part by what is known as the UN common system. The reform of the staff compensation package proposed by the International Civil Service Commission (ICSC) was not welcomed by UN staff members and, over the past three years, has been the subject of many discussions between the ICSC and international staff federations. Let us recall that, in principle, the purpose of the reform was to simplify a system that was considered overly complex. It was adopted by the UN General Assembly in December 2015 over the objections of the entire staff and, as the latter had predicted, its initial objectives have not been met because its implementation is complex and time-consuming; little money will be saved and the reform even goes against some of the other recommendations made by the member States. At present, the only impact of the reform is to significantly worsen staff members' conditions of service over the long term not only with regard to wages and career prospects, but also by reducing staff mobility incentives, including for high-risk duty stations. The ILO staff is particularly shocked to see these measures accepted by the same member States that are calling for the recruitment of highly skilled staff and the promotion of mobility in the field. Obviously, if the UN really wanted to attract highly qualified staff, particularly young people, the solution was not to make its posts less attractive by reducing the conditions and benefits necessary for effective work in the field.

The ILO staff representatives are even more disappointed by the manner in which the proposed amendments to their Regulations were discussed. The autonomous nature of the Regulations, the previous negotiations and the recent signing of the Collective Agreement, intended primarily to encourage mobility in the field, required transitional measures to mitigate the demoralizing effect of the compensation package on staff. However, management not only elected not to take the staff's requests on this matter into account but avoided opening discussions on any other UN General Assembly decisions, including the one that increased the retirement age to 65.

In short, the staff do not support the amendments to the Staff Regulations because they will not help to recruit highly qualified staff and, in the long term, will reduce staff members' career prospects and conditions of service and, above all, will undermine all of the Organization's recent efforts, under the guidance of the Governing Body, to encourage greater mobility in the field.

Moreover, the staff, together with the UN staff federations and unions, have begun a legal study of the rationale for the decisions taken by the General Assembly and their impact on the acquired rights of civil servants. They also reserve the right to take any available steps, including legal action, once these measures enter into force.

The ILO's Strategic Plan for 2018–21
(GB.328/PFA/1)

***Preview of the Programme and
Budget proposals for 2018–19***
(GB.328/PFA/2)

Although these documents were discussed yesterday, the staff representatives have read them carefully and would like to draw the attention of the Governing Body to the following remarks. Clearly, the practice of not allowing these representatives to speak until after a discussion has concluded is becoming habitual.

The staff representatives note that paragraph 65 of the Strategic Plan refers to the “One ILO” approach, a term coined by the Staff Union, and are pleased that management has taken it on board. It must, however, become more than an empty promise; over 40 per cent of ILO staff members are working on development cooperation projects under unsafe conditions that prevent them from carrying out their work properly or from achieving a decent work–life balance. For example, the member States’ recent decision to drastically reduce budget allocations to HIV/AIDS activities has, not on paper but in practice, led to post reductions and lay-offs for men and women, some of whom had served the Organization for a decade or more. These colleagues, who are being callously told that because they work in development cooperation, they are not really part of the Organization and have no career prospects, feel great bitterness at being relegated to a subcategory of staff members; some of them are only entitled to have their contracts extended on a month-to-month basis, often owing to a lack of overall planning or to the excessive parcelling of development cooperation funds.

The staff representatives have also taken note of the statement, in paragraph 65, that it is artificial to compartmentalize activities by source of funding and of the proposals for remedying that situation. The Staff Union cautions against any attempt to use this proposal to dilute the ongoing and fundamental work of the Organization on matters such as standards, unemployment policy and any other essential activity by equating them with mere short-term missions fated to be lost in the shifting tides of priorities or decisions that circumvent the Governing Body’s oversight. This is a basic governance issue that would have immediate repercussions for staff members, particularly those whose positions are funded from the ILO’s regular budget. It is absolutely essential for the staff of international organizations and, a fortiori, those of the ILO to have long-term contracts so they can work safely and, above all, independently. Such contracts are the very life blood of the international civil service; they are its strength and enable its members to keep a cool head and put their skills to use wherever in the world they are needed as one political or economic crisis follows another.

Lastly, the staff representatives have also taken note of paragraphs 67 and 68 and, in so doing, learned for the first time of the proposal to redeploy at least 60 workers from administrative functions to policy and technical work as part of the comprehensive review of all business processes. Staff representatives are always sorry to learn of such a proposal, which will inevitably have a significant impact on the staff and was never mentioned at the meetings held with the Staff Union precisely in order to discuss such matters. Rest assured that the Staff Union noted, during yesterday’s discussion of this document, that this will entail a transfer of functions. How, exactly, are the incumbents of administrative posts – not all of whom have reached the retirement age – supposed to become child labour specialists or labour economics researchers with the stroke of a pen? With all this re-profiling ahead of us, might it not be worth giving serious consideration to increasing the Human Resources Development budget? How else will this high-wire act be pulled off successfully?

In short, the proposal contained in paragraph 68 should not have been included in this document because the necessary consultation process has yet to be held. Given its impact on the working and service conditions of staff members, it should first be discussed in depth with the staff representatives.

Ladies and gentlemen, as you see, the fact that the ILO has the right tools for dealing with employment relations does not make the task any easier.

Of course, these concerns have also been raised with management during our ongoing negotiations, particularly on the reform of the contracts policy and on implementation of the UN General Assembly's decision to raise the mandatory retirement age to 65 as from 2018. Naturally, we hope that the outcome of these negotiations will allow the Organization not only to face the future boldly, fully equipped and appropriately skilled, but to care for its staff members by valuing them, protecting them and giving them the trust that they need in order to meet the goals that it has set for them, which are commensurate with the fundamental values and principles that it has been defending and promoting for almost a century.

Thank you for your attention.

Appendix II

Bureau international du Travail – Conseil d’administration International Labour Office – Governing Body Oficina Internacional del Trabajo – Consejo de Administración

**328^e session – Genève – novembre 2016
328th Session – Geneva – November 2016
328.^a reunión – Ginebra – noviembre de 2016**

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Membres gouvernementaux titulaires Miembros gubernamentales titulares	Titular Government members Titular Government members
Président du Conseil d'administration: Chairperson of the Governing Body: Presidente del Consejo de Administración:	Mr U. SEIDENBERGER (Germany)

Algérie Algeria Argelia

M. M. EL GHAZI, ministre du Travail,
de l'Emploi et de la Sécurité sociale.

suppléant(s):

M. B. DELMI, ambassadeur, représentant
permanent, mission permanente, Genève.

M. M. KHIAT, secrétaire général, ministère
du Travail, de l'Emploi et de la Sécurité
sociale.

M. F. ZAIDI, directeur général de l'emploi
et de l'insertion, ministère du Travail,
de l'Emploi et de la Sécurité sociale.

M. A. DROUA, directeur des relations
de travail, ministère du Travail, de l'Emploi
et de la Sécurité sociale.

accompagné(s) de:

M. T. DJOUAMA, ministre conseiller, mission
permanente, Genève.

M. M. HABCHI, conseiller, mission
permanente, Genève.

M. T. DJOUAMA, ministre conseiller, mission
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M. B. BOUCHEBOUT, inspecteur central,
ministère du Travail, de l'Emploi et
de la Sécurité sociale.

M^{me} W. SERIER, chargée d'études, ministère
du Travail, de l'Emploi et de la Sécurité
sociale.

M^{me} H. KHERROUR, secrétaire des affaires
étrangères, mission permanente, Genève.

M. Z. KHERROUR, secrétaire des affaires
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Ms S. HOFFMANN, Director, European and
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Mr U. SEIDENBERGER, Ambassador, Chair
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Ms S. BAUN, Head, International Employment
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of Labour and Social Affairs.

Ms K. NEU-BRANDENBURG, Chief,
ILO/United Nations Division, Federal
Ministry of Labour and Social Affairs.

Ms M. SCHIESSL, Adviser, ILO/United
Nations Division, Federal Ministry of
Labour and Social Affairs.

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République islamique d'Iran Islamic Republic of Iran República Islámica del Irán

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Secrétaire du groupe des employeurs: Secretary of the Employers' group: Secretario del Grupo de los Empleadores:	Ms L. KROMJONG (IOE)
Secrétaire adjoint du groupe des employeurs: Deputy Secretary of the Employers' group: Secretario adjunto del Grupo de los Empleadores:	Sr. R. SUÁREZ SANTOS (OIE)

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Mr P. O'REILLY (New Zealand), Chief Executive, Business New Zealand.

Mr E. POTTER (United States), Senior Counsel, United States Council for International Business.

Sr. A. URTECHO LÓPEZ (Honduras), Asesor Legal, Consejo Hondureño de la Empresa Privada.

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Mr C. SYDER (United Kingdom), Partner, Penningtons Manches LLP.

Mr R. DUBEY, accompanying Mr Modi.

Mr B.P. PANT, accompanying Mr Modi.

Mr M. STIEFEL, accompanying Ms Hornung-Draus.

Membres employeurs adjoints	Deputy Employer members
Miembros empleadores adjuntos	

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Sr. M. CERETTI (Argentina), Director Ejecutivo, Cámara de Industriales de Productos Alimenticios.

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Substitute members attending the session:
Miembros suplentes presentes en la reunión:

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Secrétaire du groupe des travailleurs: Secretary of the Workers' group: Secretario del Grupo de los Trabajadores:	Sra. R. GONZÁLEZ (ITUC)
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Guinée Guinea

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Haïti Haiti Haití

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M^{me} P. MOUSSIGNAC, premier secrétaire,
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Honduras

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Irlande Ireland Irlanda

Ms P. O'BRIEN, Ambassador, Permanent
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Mr S. GREHAN, Higher Executive Officer,
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Israël Israel

Ms A. RAZ-SHECHTER, Ambassador,
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Lettonie Latvia Letonia

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Liban Lebanon Líbano

M^{me} N. ASSAKER, ambassadeur, représentant
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Libye Libya Libia

Mr A. TAMTAM, Counsellor, Permanent
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Luxembourg Luxemburgo

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Malaisie Malaysia Malasia

Mr U. ABDULLAH, Labour Attaché,
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Malawi

Mr H. MUSSA, Minister of Labour, Youth,
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Mr S. MADULA, Secretary for Labour, Youth,
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Mr H. NYANGULU, Labour Commissioner,
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Ms L. KAWAMBA, Assistant Labour
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Malte Malta

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Maroc Morocco Marruecos

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Népal Nepal

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Mr H. USMAN, Chief Registrar (IAP), Federal Ministry of Labour and Productivity.

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Mr A. ESSAH, Labour Attaché, Permanent Mission, Geneva.

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Mr J. ABUBAKAR, Director, Administration and Human Resources.

**Nouvelle-Zélande
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Mr Y. LARAM, Deputy Director, Department of International Organisations, Ministry of Foreign Affairs.

Mr A. ALMOHANNADI, Director of the Department of Human Rights, Ministry of Interior.

Mr F. AL-SHUAIBI, Ministry of Administrative Development, Labour & Social Affairs.

Mr A. AL-BASTI, Second Secretary, Permanent Mission, Geneva.

Mr J. AL-MAAWDA, Second Secretary, Ministry of Foreign Affairs.

Rwanda

M. J. NGANGO, premier conseiller, mission permanente, Genève.

Serbie Serbia

Mr V. MLADENOVIC, Ambassador, Permanent Representative, Permanent Mission, Geneva.

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Singapour Singapore Singapore

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Mr A. ONG, Civil Advisory Officer and Prosecutor, Legal Services Division, Ministry of Manpower.

Slovaquie Slovakia Eslovaquia

Mr M. KABÁČ, First Secretary, Permanent Mission, Geneva.

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Ms A. JURUSOVÁ, Attaché, Permanent Mission, Geneva.

Mr M. HINDICKY, Attaché, Permanent Mission, Geneva.

Mr J. MAJCIN, Attaché, Permanent Mission, Geneva.

Slovénie Slovenia Eslovenia

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Mr R. ARYASINHA, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Ms S. JAYASURIYA, Deputy Permanent Representative, Permanent Mission, Geneva.

Ms H.S.T SOMARATNE, Counsellor,
Permanent Mission, Geneva.
Ms D. GUNASEKARA, Second Secretary,
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Ms M.L.F. MAFUSA, Second Secretary,
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Suède Sweden Suecia

Mr T. JANSON, Deputy Director, Ministry of
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Ms T. OLSSON BLANDY, Senior Adviser,
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Mr H. ENVALL, Counsellor, Permanent
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Ms E. NORDLUND, First Secretary,
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Ms K. AULIN, Information Assistant,
Permanent Mission, Geneva.
Ms S. JÖNSSON, Permanent Mission, Geneva.

Suisse Switzerland Suiza

M. J. ELMIGER, ambassadeur, secrétariat
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M. G. PARDINI, SECO, affaires
internationales du travail.
M. A. MEIER, SECO, affaires internationales
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M. L. KARRER, mission permanente, Genève.
M^{me} J. MEYLAN, mission permanente,
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République tchèque Czech Republic República Checa

Mr J. KÁRA, Ambassador, Permanent
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Mr O. GORGOL, Counsellor, Permanent
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Tunisie Tunisia Túnez

M. W. DOUDECH, ambassadeur, représentant
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M. Y. SALAH, secrétaire des affaires
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Viet Nam

Mr H. KHONG, Second Secretary, Permanent
Mission, Geneva.

**Représentants d'autres Etats non membres assistant à la session
Representatives of non-member States present at the session
Representantes de otros Estados No Miembros presentes en la reunión**

**Saint-Siège The Holy See
Santa Sede**

M. S.E. l'archevêque Ivan JURKOVIC, Nonce apostolique, observateur permanent du Saint-Siège, mission permanente, Genève.

M. R. GYHRA, premier secrétaire, mission permanente, Genève.

Mgr. M. DE GREGORI, attaché, mission permanente, Genève.

M. P. GUTIÉRREZ, mission permanente, Genève.

**Représentants d'organisations internationales gouvernementales
Representatives of international governmental organizations
Representantes de organizaciones internacionales gubernamentales**

Organisation des Nations Unies pour l'éducation, la science et la culture

United Nations Educational, Scientific and Cultural Organization

Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

Mr A. ALMUZAINI, Director, UNESCO Liaison Office in Geneva.

Mr B. TUKHTABAYEV, Senior Liaison Officer, UNESCO Liaison Office in Geneva.

Organisation des Nations Unies pour l'alimentation et l'agriculture

Food and Agriculture Organization of the United Nations

Organización de las Naciones Unidas para la Agricultura y la Alimentación

Ms S. AVILES, Officer-in-Charge, Senior Adviser, Programme Development and Humanitarian Affairs, FAO Liaison Office in Geneva.

Ms J. BARIN, Partnerships & Communication Consultant, FAO Liaison Office in Geneva.

Mr S. SOFIA, Partnerships & Communication Consultant, FAO Liaison Office in Geneva.

African Regional Labour Administration Centre (ARLAC)

Mr D. NEBURAGHO, Director.

Mr L. HLABANU, Finance and Administration Officer.

Organisation arabe du travail

Arab Labour Organization

Organización Árabe del Trabajo

Mr F. AL-MUTAIRI, Director-General.

Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.

Ms D. SAEED, Chief of Cabinet.

Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

European Public Law Organization

Mr G. PAPADATOS, Head of Delegation and Permanent Observer to the ILO in Geneva.

Ligue des Etats arabes

League of Arab States

Mr S. ABOULENEIN, Ambassador, Permanent Representative, Permanent Delegation in Geneva.

Mr Y. TILIOUANT, First Secretary, Permanent Delegation in Geneva.

Mr A. BELHOUT, Second Secretary, Permanent Delegation in Geneva.

Mr A. CHAROUIE, Expert, Permanent Delegation in Geneva.

Union européenne
European Union**Unión Europea**

Mr P. SØRENSEN, Ambassador, Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

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Conseil des ministres du Travail des Etats du Conseil de coopération du Golfe
Labour Ministers' Council of the Gulf Cooperation Council States**Consejo de Ministros de Trabajo de los Estados del Consejo de Cooperación del Golfo**

Mr A. ALHAJRY, Director-General.

Mr A. ALSEDDEEQI, Acting Labour Director.

Union africaine
African Union**Unión Africana**

Mr J. EHOUZOU, Permanent Observer, Permanent Delegation of the African Union in Geneva.

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Programme des Nations Unies pour le développement
United Nations Development Programme
Programa de las Naciones Unidas para el Desarrollo

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Ms L. BERNAL, Policy Specialist, Trade and Sustainable Development, UNDP Office in Geneva.

Ms G. BOYER, Policy Specialist, Reintegration and Livelihoods, UNDP Office in Geneva.

Organisation mondiale du commerce
World Trade Organization
Organización Mundial del Comercio

Mr S. MATHUR, Counsellor, Trade and Environment Division.

**Représentants d'organisations internationales non gouvernementales
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Representatives of international non-governmental organizations as observers
**Representantes de organizaciones internacionales no gubernamentales
presentes con carácter de observadores**

Organisation internationale des employeurs
International Organisation of Employers
Organización Internacional de Empleadores

Ms L. KROMJONG, Secretary-General.
 Mr R. SUAREZ SANTOS, Deputy Secretary-General.

Association internationale de la sécurité sociale
International Social Security Association
Asociación Internacional de la Seguridad Social

Mr H. KONKOLEWSKY, Secretary-General.
 Ms D. LEUENBERGER, Head, Resources and Services Unit International.

Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional

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Organisation de l'Unité syndicale africaine
Organization of African Trade Union Unity
Organización para la Unidad Sindical Africana

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 Mr E. BENMOUHOU.
 Mr A. SIDI SAID.

Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial

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 Mr P. PETROU.
 Mr H. ABDEL LATIF.
 Mr H. EL MEHERI.
 Mr A. IBRAHIM.
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**Mouvement de libération
Liberation movement
Movimiento de liberación**

Palestine Palestina

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