



Report of the Chairperson of the Governing Body to the Conference for the year 2010–11

This report on the work of the Governing Body is submitted to the Conference in accordance with section 5.5.1 of the Standing Orders of the Governing Body. It covers the period since the last general session of the Conference (June 2010), i.e. the 308th (June 2010), 309th (November 2010) and 310th (March 2011) Sessions of the Governing Body. It focuses only on the highlights of the Governing Body's year, on the basis of the respective agendas, and does not cover any matter otherwise before the Conference.

For more extensive and detailed information on the work of the Governing Body, including the minutes of the three sessions under consideration, of the documents submitted to the committees and to the Governing Body itself, please refer to the Governing Body website.¹

1. International Labour Conference

Matters arising out of the work of the 99th Session (2010) of the International Labour Conference

Follow-up to the adoption of the resolution concerning the recurrent discussion on employment

At its November meeting, the Governing Body reviewed actions undertaken by the Office to give effect to the resolution concerning the recurrent discussion on employment adopted by the 99th Session of the International Labour Conference (June 2010). The Governing Body took note of a paper² outlining the cross-cutting issues that were guiding the immediate follow-up work of the Office and summarizing the steps already taken and plans set in motion by the Office to act on the main priorities identified in the resolution.

In keeping with the interrelationship of the four strategic objectives and the work across the Office to promote the strategic objective of employment, the Governing Body

¹ Visit www.ilo.org and follow the link to the Governing Body.

² GB.309/3/1.

received reports of discussions pertinent to the follow-up of the recurrent discussion in the Working Party on the Social Dimension of Globalization³ (regarding policy coherence), in the Economic and Social Policy Committee⁴ (on recovery patterns, growth and employment potential with reference to the Global Jobs Pact), in the Committee on Legal Issues and International Labour Standards⁵ (including discussion on the alignment of the subjects of General Surveys with those of the recurrent discussions), in the Steering Group on the Follow-up to the Declaration (2008)⁶ (in the review of the process of the first recurrent discussion on employment), and in the Programme, Financial and Administrative Committee (PFAC)⁷ (in the preview of the Programme and Budget proposals for 2012–13).

The follow-up of the Office was reported as being guided by four objectives, namely: strengthening existing areas of work to promote employment; responding to new priorities, especially in the increased scope of work on a pro-employment macroeconomic policy framework and on trade and investment issues; promoting better coherence between economic, financial, employment and social policies at the national and international levels; and changing work methods towards a more efficient and integrated manner of delivering support.

These cross-cutting objectives were reflected in the steps being taken and planned by the Office to act on the main priorities identified under the six employment themes covered in the conclusions: (1) the promotion of a *macroeconomic policy framework* to promote full, decent, productive and freely chosen employment included a joint report and conference with the International Monetary Fund (IMF)⁸ and plans to strengthen inter-ministerial coordination in developing national employment policies; (2) actions to improve advisory capabilities on *employment and labour market policies* included developing new methodologies, for example on employment targeting; strengthening capacity to evaluate policy impact and draw lessons; and aligning research and dissemination of findings with the emerging new knowledge-management system; (3) increasing analysis of policies to *improve employability, productivity, living standards and social progress* would underpin the Office's Green Jobs Initiative, the development of a "knowledge bank" on skills and lifelong learning, the promotion of the principles of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and multinational enterprises' (MNEs) roles in boosting employment, and the continued research and reporting on wage trends and policies; (4) the expertise of the Office was to be further strengthened in the area of *trade and investment policies to promote full, decent and productive employment* in terms of evaluation methodologies; international partnerships with the World Trade Organization (WTO), the World Bank and others; industrial policy development; and country-level initiatives; (5) *standards-related action around the strategic objective of employment* would continue to focus on the

³ GB.309/WP/SDG/1.

⁴ GB.309/ESP/1/2.

⁵ GB.309/LILS/4.

⁶ GB.309/SG/DECL/1.

⁷ GB.309/PFA/2.

⁸ ILO–IMF: *The challenges of growth, employment and social cohesion*, discussion document for the Joint ILO–IMF Conference in cooperation with the office of the Prime Minister of Norway, September 2010, available at <http://www.osloconference2010.org>.

ratification and effective implementation of the employment-related standards and on reviewing ways in which social dialogue and collective bargaining help ensure decent work; and (6) priorities of the work of the Office to strengthen the *interrelationship of the four strategic objectives and their impact on the strategic objective of employment* included improved coordination processes within the Office, more transparency in resource allocations, stronger synergies with the Bureau of Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV), and cooperative work in the national Jobs Pact implementation, including the development of the Global Jobs Pact Country Scan methodology and its relationship with the preparation of Decent Work Country Programmes (DWCPs).

The Governing Body endorsed the approach proposed by the Office to act on the adopted conclusions in order to respond more effectively to the realities and needs of ILO Members, in line with the Programme and Budget for 2010–11 and the Strategic Policy Framework 2010–15, and in revising the proposals for the Programme and Budget for 2012–13 to reflect the new ways of working.

The oral report by the Chairperson of the Steering Group on the Follow-up to the Declaration (2008)⁹ summarized the lessons learned from the first recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization. The Steering Group commended the extensive consultations in preparation of the recurrent discussion report; emphasized the importance of collaboration across the four strategic objectives in the preparation of the report in line with the requirements of the ILO Declaration on Social Justice for a Fair Globalization; recommended that future reports cover ILO activities and lessons learned from their implementation together with an analytical report of the actual situation and policy challenges faced by member States; and noted the importance of reflecting the outcomes of the recurrent discussion in programme and budget proposals and other work of the Governing Body. The Group was of the view that the timing of the review of the General Survey by the Conference Committee on the Application of Standards should take place one year in advance of the recurrent discussion so as to better integrate the standards-related aspects in the recurrent discussion.

The oral report by the Chairperson of the Working Party on the Social Dimension of Globalization¹⁰ summarized discussion of possible forms a framework for policy coherence might take, as had been requested in the Conclusions to the recurrent discussion. Building on a review of the ILO's experience in promoting policy coherence, further consideration could be given to the option proposing "a statement of the ILO's overall objectives for policy coherence nationally and internationally and a strategy for pursuing them over the remaining period of the Strategic Policy Framework to 2015". Consideration of the way forward should include strengthening the ILO's capacity in knowledge generation and management and setting priorities, undertaking regular reviews and imitating pilot activities at country level on policy coherence work.

⁹ GB.309/10.

¹⁰ GB.309/17.

Follow-up to the adoption of the HIV and AIDS Recommendation, 2010 (No. 200), and the related resolution concerning the promotion and implementation of the recommendation

On 23 March 2011, at its 310th Session, the Governing Body adopted unanimously the Global Action Plan ¹¹ to promote the implementation of the HIV and AIDS Recommendation, 2010 (No. 200) setting out the promotional actions the Office proposes to take by 2015, subject to the availability of internal and external resources, to promote implementation of Recommendation No. 200.

The Global Action Plan optimizes the contribution of the world of work to the global HIV response, calling for ILO member States to develop, adopt, implement and monitor national policies and programmes on HIV and AIDS and the world of work, in consultation with organizations of employers and workers as well as organizations of persons living with HIV and other relevant actors. These policies and programmes are to be integrated into national development plans and poverty reduction strategies.

The Global Action Plan promotes implementation of the principles established in the HIV and AIDS Recommendation, 2010 (No. 200), which builds on the ILO code of practice on HIV/AIDS and the world of work (2001). It recognizes the crucial role of the world of work in the global HIV response and calls for the workplace to facilitate access to HIV prevention, treatment, care and support services for workers, their families and dependants. The Global Action Plan is structured around three main outcomes: the reduction of stigma and discrimination on the basis of real or perceived HIV status against women and men workers, their families and dependants; increased access for workers, their families and dependants to prevention, treatment, care and support services through the world of work; and scaled-up action by world of work actors to the HIV response and increased access to funding for this purpose. Each outcome is supported by focused activities, concrete indicators and targets to measure progress achieved.

The resolution on the promotion and implementation of the HIV and AIDS Recommendation, 2010 (No. 200), adopted at the 99th Session of the International Labour Conference in June 2010 calls for the allocation of additional resources necessary to carry out the work with tripartite constituents to give effect to the Recommendation. Provision was made in the Global Action Plan for the development of a budget. Accordingly, the Office has prepared a comprehensive workplan based on the Global Action Plan and is in the process of developing a budget to support its full implementation.

Agendas of the 100th (2011), 101st (2012) and 102nd (2013) Sessions of the International Labour Conference

In June 2010, the Governing Body had before it a document on the agendas of the 100th (2011) and 101st (2012) Sessions of the International Labour Conference, completed by an addendum. ¹² The Governing Body decided to include in the agenda of the 100th Session (2011) of the Conference an item on labour administration and labour inspection for general discussion; it deferred its decision on the agenda of the 101st Session (2012) of the Conference.

¹¹ GB.310/17/1(Rev.).

¹² GB.308/5 and GB.308/5(Add.).

In November 2010, the Governing Body considered a document on the 101st Session (2012) of the Conference¹³ and a document containing proposals for the agenda of the 102nd Session (2013) of the Conference.¹⁴ The Governing Body deferred its final decision on the agenda of the 101st Session (2012) of the Conference and decided that an informal working group would be established, comprising the secretaries of the Employers' and Workers' groups and the regional coordinators of the Government group, with a view to building consensus on the items to be included in the agendas of the 101st (2012) and 102nd (2013) Sessions of the Conference and making recommendations which would facilitate decisions upon them by the Governing Body in March 2011.

In March 2011, the Governing Body considered a document on the agendas of the 101st (2012) and 102nd (2013) Sessions of the Conference.¹⁵ The Governing Body was able to take a certain number of decisions on the basis of the recommendations of the working group. The Governing Body included in the agenda of the 101st Session (2012) of the Conference an item on the youth employment crisis (*general discussion*). It also decided that the second technical item for 2012 would be selected following the June 2011 Conference recurrent discussion on social protection (social security). Preference would be given to a follow-up to the recurrent discussion on social protection (social security) on the basis of need and timing, as well as the nature of the follow-up to be decided. The scope of the discussion would be determined by the outcome of the Conference discussion at the 100th Session.

Regarding the 102nd Session (2013) of the Conference, the Governing Body decided that it would be held in Geneva, and included the following items in its agenda: a recurrent discussion on the strategic objective of social dialogue; and employment and social protection in the new demographic context (*general discussion*); it was understood that the finalization of the 2013 Conference agenda would depend on the final decision to be taken in June 2011 as regards the follow-up to the recurrent discussion on social protection (social security) in the context of the 2012 Conference agenda.

2. Governing Body

ILO response to the crisis

In November 2010, the Governing Body had a paper before it on the ILO's response to the crisis.¹⁶ At the Chairperson's suggestion, the Governing Body agreed to consider this report in conjunction with the reports of the Committee on Employment and Social Policy,¹⁷ of the Committee on Sectoral and Technical Meetings and Related Issues¹⁸ and

¹³ GB.309/2/1.

¹⁴ GB.309/2/2.

¹⁵ GB.310/2.

¹⁶ GB.309/4.

¹⁷ GB.309/14.

¹⁸ GB.309/15.

of the Working Party on the Social Dimension of Globalization,¹⁹ as the discussions in those bodies had touched on various aspects of the Organization's crisis-related activity. The document on the ILO's response to the crisis set out a number of possible future directions for ILO action, and these were largely commented on during the debate.

The continued recognition of the Global Jobs Pact in the G20 agenda and across the multilateral system bore witness to the effective approach adopted by the ILO in response to the crisis. It was felt that clear evidence was now needed of Office-driven, on-the-ground delivery and impact of the approach. The ILO should thus retain its capacity to react swiftly to emergency requests. The special approach being implemented in the Global Jobs Pact, in particular with reference to the country scans, should be progressively transformed into an integrated approach for the preparation, revision and updating of DWCPs. The Employers' group felt that the emphasis should now be placed on recovery, rather than crisis, and that a post-Global Jobs Pact plan should be developed. The Workers' group stressed that the crisis was not over in many parts of the world, particularly the developing world, and that the Pact, as the Decent Work Agenda applied in the context of the crisis, should not be shelved.

There was support for the ILO's action in supplying constituents with information and analysis on the effects of the crisis on employment, enterprises and social and labour conditions. It was felt that the Office should be able to advise on best policies and should become an active contributor, as well as observer and reporter. It should be proactive in assisting member States to collect better quality data, and to compile and disseminate real-time information on the policies and measures applied by countries in all areas of the ILO's mandate.

The Governing Body agreed on the need to "think differently" on employment, social protection, rights at work and dialogue. The G20 had confirmed support for decent work as part of the recovery programme, along with a commitment to provide social protection to the most vulnerable: a basic social protection floor. The roots of the crisis, as was often the case, were to be found in deep-seated structural conditions and stronger socio-economic governance was needed to ensure sustainable recovery and fairer globalization. Employment should figure at the heart of recovery as a key macroeconomic objective. Macroeconomic objectives should be broadened to encompass the growth of productive investment and employment through sustainable enterprises, expanded social protection and strong labour institutions. While the ILO's area of expertise was in labour issues, it should deepen its analysis in these fields through building a strong technical and analytical capacity to examine macroeconomic policies from an employment perspective, and through forming partnerships with other institutions to address wider issues.

The Governing Body noted the encouraging cooperation with the United Nations (EU), with the IMF, in the joint organizing of the Conference on the Challenges of Growth, Employment and Social Cohesion (Oslo, 13 September 2010), and with the World Bank. It was widely felt that policy coherence between multilateral institutions should be reinforced. The G20 should regularly discuss employment and social policy as part of the framework for strong, sustainable and balanced growth: the ILO had demonstrated that it had an important role in this connection, and should continue to do so. The Organization should assert the importance of linkages between recovery and wages and income, a linkage recognized by the G20 Labour Ministers and continue to put forward ideas for promoting employment as a policy priority at national and international level.

¹⁹ GB.309/17.

During the debate in November, the Governing Body also received as a guest His Excellency, Mr Tayeb Louh, Minister of Labour of Algeria, who gave a comprehensive presentation of Algeria's response to the crisis, in which he explained how social dialogue had played a critical role in management of the effects of the crisis. He also said that the widespread use of social dialogue in Algeria was the result of political will at the highest level.

In March 2011, the Governing Body received a report of the Working Party on the Social Dimension of Globalization,²⁰ which had held discussions on the themes of "Challenges and change in the Arab world" and "Recovering from the crisis". The Governing Body noted that the demands from the peoples of the Arab nations for dignity, rights, jobs and social justice resonated strongly with the ILO Decent Work Agenda. It further noted that trade unions were playing a key role in the process of change. Guaranteed freedom of association and collective bargaining were central to democracy and social justice, while sustainable enterprise development and productive investment were required to meet aspirations for a better life. Good governance and the rule of law were an essential foundation for both foreign and domestic investors. The Governing Body felt that the ILO should be a key partner for the emerging democracies of the region and welcomed the initial reallocation of resources to the region announced by the Director-General. The Decent Work Agenda and the Global Jobs Pact were important tools to address the challenges faced by these countries. An integrated approach was required, embracing international labour standards, especially fundamental principles and rights at work, employment and enterprise development, with a particular focus on youth, extending social protection and broad-based dialogue. ILO support to the region should be substantial and for the "long haul". The Organization should work more closely with other international partners, as well as with regional and subregional structures in ensuring that the promotion of decent work and social development were an integral part of a coherent international response to the challenges of the region.

In its debate on recovering from the global crisis, the Governing Body noted that while policies drawing on the Global Jobs Pact were necessary, they were insufficient for the recovery to become sustainable development. Financial reforms were incomplete and the real economy was not being adequately serviced by the financial sector, while growth was still unevenly distributed. Past policies had focused narrowly on a limited number of issues, such as the goal of low inflation, achieved through tight monetary policy. A broader range of goals, relating to the quantity and quality of employment, and a broader range of policies would be needed in the future, with greater emphasis placed on policy coherence at national and global levels.

Reform of the Governing Body

The Working Party on the Functioning of the Governing Body and of the International Labour Conference met at both the March and November sessions of the Governing Body, as well as holding an intersessional meeting on 9 and 10 February 2011. The reform process was also taken forward by extensive formal and informal consultations. At its intersessional meeting in February 2011, the Working Party recognized that sufficient progress had been made, and sufficient convergence reached, for the Governing Body to move towards taking a decision on reform. In response to a request from the Working Party, the Office therefore produced a draft proposal of a reform

²⁰ GB.310/16.

package,²¹ which was examined by the Working Party at its meeting on Monday, 14 March 2011. The package was further refined by two subsequent meetings of the Working Party, held on Thursday, 17 and Monday, 21 March 2011, and at the latter meeting, the Working Party approved the reform package²² and submitted it for adoption to the Governing Body.

The Governing Body deemed the reform to be a balanced package that reflected the views of all parties, and which would be in harmony with the spirit of the 2008 Declaration on Social Justice for a Fair Globalization. It would provide the ILO with a more efficient executive organ, capable of using the full strength of tripartism and social dialogue. The main elements of the reform are firstly, that the Governing Body will meet in continuous plenary session with thematic sections and segments. Secondly, no two meetings will be held concurrently – a principle which will facilitate the participation of smaller delegations. Thirdly, a more participatory system for setting the agenda of the Governing Body will be introduced. Fourthly, the new structure will cover the four strategic objectives and provide flexibility for Governing Body work. Finally, a key element is that the composition and the role of the Officers of the Governing Body, as established by the ILO Constitution, will be maintained. The Governing Body noted that the reform also provided for a review period, to allow adjustments to be made, and that the date for review was fixed at the 318th Session of the Governing Body (November 2013).

In adopting the reform package, the Governing Body also requested the Office to prepare proposals for the amendments of the Standing Orders of the Governing Body, the Introductory Note to the Compendium of Rules applicable to the Governing Body and any other complementary text of the Organization for the consideration of the 311th Session of the Governing Body (June 2011) in order to give effect to the reform package. It further requested the Office to organize timely tripartite consultation in developing these proposals, as well as requesting the Office to prepare an estimate of the cost implications of the reform package.

Finally, the Governing Body noted that the Working Party had still to turn its attention to recommending improvements to the functioning of the International Labour Conference.

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

In March 2011, the Governing Body examined an Office report²³ which highlighted the manner in which the fundamental principles and rights at work had been promoted and realized in each of the countries that have not ratified one or more of the eight Conventions dealing with fundamental principles and rights. The Governing Body noted in particular the importance of the Declaration on Fundamental Principles and Rights at Work for the ILO as a tool to promote those principles. This had been reflected in the Conference resolution of 15 June 2010 which chose to retain and align the follow-up to the

²¹ GB.310/WP/GBC/1.

²² GB.310/9/1.

²³ GB.310/3.

1998 Declaration in the light of the adoption of the Social Justice Declaration of 2008. The Governing Body further noted the clarification that the body of the text of the Declaration, as adopted in 1998, does make specific reference to the obligation of the Organization to offer technical cooperation and advisory services to promote ratification and implementation of the fundamental Conventions. In this regard, the Office had adopted a dynamic approach to its interaction with ILO member States by focusing technical assistance it can provide to meet the needs of member States in their promotion and realization of the principles enumerated in the Declaration.

4. Enhanced programme of technical cooperation for the occupied Arab territories

In November 2010, the Governing Body discussed a report²⁴ detailing the ILO's support to the occupied Arab territories, and participants were also able to attend an information meeting for Governing Body members and donor countries, held in Geneva on 15 November 2010, which presented a framework for an expanded programme of technical cooperation. The enhanced programme was in line with the vision of the Palestinian government agenda to address the Palestinian people's needs through nation-building efforts and strengthened public institutions. The programme also fell within the framework of the national strategy of the labour sector developed by the Ministry of Labour which aimed at creating an environment conducive to decent work.

During the period under review, the ILO supported the Government and the social partners in revitalizing the Palestinian Fund for Employment and Social Protection, reactivating the National Tripartite Committee for Labour Affairs, in developing a policy framework for micro, small and medium enterprises and the promotion of an entrepreneurship culture targeting youth, in supporting the national cooperative reform process and the adoption of the unified cooperative law, and in promoting private sector growth. The programme also focused on strengthening women's economic empowerment opportunities, as well as implementing a series of quick impact interventions to improve the productivity and income-earning opportunities in conflict-affected Gaza.

Members of the Workers' and Employers' groups expressed their appreciation for the assistance extended through the technical assistance programme and noted the importance of raising additional resources. Members of the Government group also stressed the critical importance of further reinforcing the ILO programme in the occupied Arab territories.

5. Complaints under article 26 of the ILO Constitution

Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

A Supplementary Understanding was signed by the Government of Myanmar on 26 February 2007, establishing a mechanism through which victims of forced labour could

²⁴ GB.309/5.

seek redress. The trial period of the Supplementary Understanding had previously been extended for a 12-month period in 2008, 2009 and 2010.

At its November 2010 session, the Governing Body examined a report on the functioning of this mechanism.²⁵ On the basis of the discussion held, the Governing Body adopted the following conclusions:

The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Government of the Union of Myanmar and the subsequent discussion. In light of the debate, it adopted the following conclusions:

- The Governing Body welcomes the release of Daw Aung San Suu Kyi and urges that other persons still in detention, including labour activists and persons associated with the making of, or supporting the submission of, complaints under the Supplementary Understanding, will similarly be given their liberty as soon as possible. In particular, it reiterates its previous call for the release of U Zaw Htay, U Htay Aung, U Nyan Myint, Daw Su Su Nway, U Min Aung, U Myo Aung Thant, U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min.
- In light of the commitment made by the Permanent Representative of the Government, the Governing Body calls on the new Parliament to proceed without delay to bring legislation into line with the Forced Labour Convention, 1930 (No. 29), starting with the repeal of the relevant provisions of the Villages Act and Towns Act as called for by the Commission of Inquiry.
- Notwithstanding the reported progress in increased awareness of both government personnel and the community at large of their rights and responsibilities under the law, much remains to be done to eliminate the use of forced labour. Further committed action is required to end all forms of forced labour, including under-age recruitment into the military and human trafficking. Bringing an end to the impunity which allows forced labour to continue requires the strict application of the Penal Code to all perpetrators.
- The Governing Body calls for the continuation and intensification of awareness-raising activities undertaken jointly and severally by the Government and the ILO Liaison Officer encompassing government personnel, the military and civil society. It again calls on the Government to continue to actively support the wide distribution of the agreed brochure and its translation into all local languages.
- The Governing Body notes the increased number of forced labour complaints received but considers it essential that the movement towards an environment free from harassment or fear of retribution be sustained. In this context, the Government is requested to grant the Liaison Officer access to court files and detainees for the purpose of verifying the absence of judicial retribution.
- The Governing Body calls upon the Government to cooperate with the Liaison Officer on cases raised at the Officer's own initiative.
- The Governing Body notes that the Liaison Officer has engaged additional temporary resources to assist in meeting the demands of the increasing workload. However, that does not meet the need that the Governing Body has consistently identified for the strengthening of capacity to deal with complaints and associated activities. Therefore, the Governing Body calls on the Government to ensure the conditions and facilities necessary for the effective and timely receipt and processing of complaints throughout the country.
- The Governing Body recalls and reconfirms all of its previous conclusions and those of the ILC and calls upon the Government and the Office to work proactively towards their realization.

²⁵ GB.309/6.

In March 2011, the Governing Body further reviewed the operation of the Supplementary Understanding and the results of the ILO's mission to Myanmar,²⁶ from 22 to 25 February 2011, during which a further 12-month extension of the trial period of the Supplementary Understanding was signed. The following conclusions, drawn from the discussion, were adopted by the Governing Body:

The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Government of the Union of Myanmar and the subsequent discussion. In the light of the debate, it adopted the following conclusions:

- The Governing Body welcomes some positive developments in Myanmar as well as the extension of the Supplementary Understanding trial period for a further 12 months, and urges a revitalized programme of activities towards fully implementing the recommendations of the Commission of Inquiry.
- The Governing Body notes the increase in the number of cases dealt with under the terms of the Supplementary Understanding. This highlights the need for the Government to adopt a more proactive stance in dealing with the overall causes of forced labour and for it to cooperate in ensuring that the ILO Liaison Office is adequately strengthened to respond to its increasing workload, including through timely positive responses to visa and licensing applications.
- The Governing Body notes the Government's indication that draft legislation aimed at achieving legislative conformity with Convention No. 29 is in the process of preparation. It invites the Government to take advantage of the technical assistance of the ILO with a view to the rapid amendment of the Village and Towns Acts 1907, the review of the Jail Manual, and the introduction of proposed new labour legislation prohibiting the use of forced labour in all its forms.
- The Governing Body strongly supports educational and awareness-raising activities as a means for changing behavioural patterns in respect of forced labour and to this end calls for the continuation of such activities particularly amongst the civilian and military authorities, for the continuation of initiatives for enhanced community awareness including ILO workshop activity, and for the publication and wide distribution of the information brochure on forced labour in local languages in addition to the official national language. Specific targeted awareness raising and training of persons associated with or affected by major construction projects, including oil/gas pipelines, would also be of particular importance.
- While taking note of the information provided on activities undertaken, the Governing Body re-emphasizes the need for national laws to be consistently applied. The practices of the army and defence institutions in respect of forced cropping and the forcible use of villagers or prison labour for portering of military supplies, sentry duty and construction work in conflict zones, must be stopped. The Government is urged to take all measures to combat the culture of impunity, including through the strict application of the Penal Code to all those who use forced labour, even when such acts are committed by the military.
- The successful elimination of the use of forced labour depends critically on the confidence of persons to complain of breaches of the law in the knowledge that they can do so without fear of harassment or retaliation.
- The Governing Body, whilst noting the early release of U Htay Aung, reaffirms its previous call for the release of U Zaw Htay, U Nyan Myint, Daw Su Su Nway, U Min Aung, U Myo Aung Thant, U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min, and of other persons still in detention, including labour activists and persons associated with the making of, or supporting the submission of, complaints under the Supplementary Understanding. Furthermore, the Governing Body calls for the Government to facilitate the free access of the Liaison Officer to visit

²⁶ GB.310/5.

persons so detained and to effect the reinstatement of the advocacy licences of U Aye Myint and Ko Pho Phyu.

- The Governing Body notes that a number of long-standing complaints in the Magwe Region remain unresolved and, as a result, the issues and relationships in this area are becoming more complex and entrenched, with the potential to disrupt the overall positive operation of the Supplementary Understanding. The Government is urged to work with the ILO Liaison Officer towards finding early and lasting solutions to these cases.
- The Governing Body recalls and reconfirms all of its previous conclusions and those of the International Labour Conference, and calls upon the Government and the Office to work proactively towards their realization.

Observance by the Government of Zimbabwe of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

At its 307th Session (March 2010), the Governing Body took note of the report of the Commission of Inquiry established to examine complaints submitted under article 26 of the Constitution by Workers' and Employers' delegates to the June 2008 session of the International Labour Conference concerning the observance by Zimbabwe of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).²⁷ At its 308th Session (June 2010), the Governing Body took note of the acceptance by the Government of Zimbabwe of the Commission of Inquiry's recommendations and its request for support and guidance in their implementation.²⁸

Complaint concerning the non-observance by the Government of Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 99th Session (2010) of the International Labour Conference under article 26 of the ILO Constitution

The Governing Body declared this complaint admissible at its 309th Session (November 2010) and transmitted it to the Government for any observations it wished to make thereon.²⁹ In March 2011, at its 310th Session, the Governing Body took due note of the Government's reply to the complaint and decided to request it to transmit to the Office, without delay, the draft law on labour organizations currently under preparation so as to allow a full and meaningful consultation and deferred a decision on the appointment of a Commission of Inquiry to its 312th Session (November 2011).³⁰

²⁷ GB.307/5.

²⁸ GB.308/6/2.

²⁹ GB.309/7.

³⁰ GB.310/6.

Observance by the Government of the Bolivarian Republic of Venezuela of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Following a decision at its 309th Session to place this question on the agenda of its March 2011 session,³¹ the Governing Body decided that the complaint presented originally in 2004 under article 26 of the ILO Constitution would not be referred to a Commission of Inquiry. It requested the Director-General to send a high-level tripartite mission to the Bolivarian Republic of Venezuela to address all the issues before the Governing Body related to Case No. 2254 as well as technical cooperation matters, and to provide a full report to the Governing Body at its 312th Session (November 2011). As a result of this decision, the procedure started under article 26 of the ILO Constitution, in June 2004, was closed.³²

6. Freedom of association – 357th, 358th and 359th Reports

During the past year, the Committee on Freedom of Association examined 190 cases, and in 164 cases followed up the measures taken by member States to give effect to its recommendations. The Committee continued to observe an important increase in the number of complaints against alleged violations of freedom of association submitted to the special procedure, but was also able to note with interest significant positive developments in the matters before it, including the release of detained trade union leaders and members. In June and November 2010 and March 2011, the Governing Body took note of the introduction to the 357th, 358th and 359th Reports³³ of the Committee on Freedom of Association, and approved the recommendations of the Committee on Freedom of Association with respect to the cases in these Reports.

7. Reports of the Programme, Financial and Administrative Committee

Programme and Budget proposals for 2012–13

In November 2010, the Governing Body discussed and provided guidance on the preview of the Programme and Budget proposals for 2012–13.³⁴ In March 2011, the Governing Body considered the Programme and Budget proposals for 2012–13.³⁵ This will be the second programme and budget document under the simplified and more rigorous results framework set out in the Strategic Policy Framework 2010–15.

³¹ GB.309/20/3.

³² GB.310/7.

³³ GB.308/3, GB.309/8, and GB.310/8, respectively.

³⁴ GB.309/PFA/2 and GB.309/PFA/2(Add.).

³⁵ GB.310/PFA/2.

Resource proposals for the regular budget are complemented by estimates of extra-budgetary expenditure and the Regular Budget Supplementary Account (RBSA). Subject to the positions taken and opposition expressed in the course of the discussion in the PFAC, the Governing Body endorsed a zero real growth budget for onward submission to the 100th Session of the International Labour Conference. The budget responds to the need to sustain the ILO's core functions and programmes at a time of growing demand for ILO services and the financial constraints weighing on member States. It places great emphasis on strengthening services to constituents, including through an enhanced knowledge management system and collaborative working methods, while pursuing efforts to improve effectiveness, efficiency and value for money.

Use of the Special Programme Account

In November 2010, the Governing Body decided to allocate US\$14.4 million from the Special Programme Account to support: (i) strengthening the application of standards; (ii) strengthening the implementation of DWCPs; (iii) strengthening the knowledge base; and (iv) modernizing the information technology infrastructure.³⁶ The Governing Body also requested the Director-General to submit proposals on the use of the remaining US\$4.2 million at its session in November 2011.

Evaluation

In November 2010, the Governing Body reviewed the annual evaluation report 2009–10³⁷ and, while noting good progress, expressed some concern about the weak follow-up to evaluations and the modalities for consulting constituents on topics for high-level evaluations. It requested the postponement of the high-level evaluation of capacity building amongst constituents. The Governing Body also requested the Director-General to take into consideration the findings and recommendations contained in the summaries of the independent evaluations of the DWCPs for both the United Republic of Tanzania and Kyrgyzstan,³⁸ and the independent evaluation of the ILO's strategy to extend the coverage of social security.³⁹

In March 2011, the Governing Body reviewed the independent external evaluation of the ILO's evaluation function (IEE)⁴⁰ and the revised ILO evaluation strategy, Results-based strategies 2011–15: Evaluation strategy – Strengthening the use of evaluations.⁴¹ The Governing Body supported the aim of the strategy paper to improve the use of evaluations, noting that it incorporated several of the IEE recommendations. It requested the Director-General to implement all the IEE recommendations within available resources and approved both Governing Body papers with the request to incorporate the following points: (i) organizationally consolidate the evaluation function into an entity that

³⁶ GB.310/PFA/3.

³⁷ GB.309/PFA/5/1.

³⁸ GB.309/PFA/5/2 and GB.309/PFA/5/3.

³⁹ GB.309/PFA/5/4.

⁴⁰ GB.310/PFA/4/2.

⁴¹ GB.310/PFA/4/1.

reports directly to the Director-General and through this position to the Governing Body; (ii) appoint the Director of the Evaluation Unit henceforth in accordance with UN-system best practices; (iii) establish a process of informal consultations with governments, through regional coordinators, and the secretariats of the workers and employers on the topics for high-level strategy evaluations and their terms of reference; (iv) include high-level strategy evaluations in the measurement criteria of outcome 1; (v) draw upon existing best practices for evaluation in the ILO in developing and refining appropriate evaluation standards; and (vi) ensure the independence and external nature of the subsequent review of the 2011–15 evaluation strategy in 2015.

Building Subcommittee

The Building Subcommittee of the PFAC met in November 2010 and March 2011. The Subcommittee reviewed and discussed reports on ILO accommodation worldwide, ongoing urgent renovation work, the headquarters building renovation project and a long-term strategy for the financing of future periodic refurbishment and renovation of ILO buildings. In November 2010, the Governing Body approved a comprehensive plan⁴² for the renovation of the ILO headquarters building during the period 2011–18. It authorized the Director-General to commence the first phase of the project with an estimated cost of 89.1 million Swiss francs (CHF). It also authorized the use of the Working Capital Fund and/or a loan, if necessary, to complete the first phase of the project pending the receipt of additional funds. The Governing Body approved the use of CHF4.3 million from the Building and Accommodation Fund to replace the elevators in the headquarters building.⁴³ In March 2011, the Governing Body endorsed the long-term strategy for the financing of future periodic refurbishment and renovation of ILO buildings.⁴⁴ This endorsement had been a prerequisite for the transfer to the Building and Accommodation Fund of one half of the 2008–09 net premium (amounting to CHF14,869,967) to partially fund the first phase of the headquarters building renovation project.

Audit and oversight

In March 2011, the Governing Body received and considered the third report of the Independent Oversight Advisory Committee.⁴⁵ The Governing Body also considered the report of the Chief Internal Auditor for 2010⁴⁶ and the report on follow-up action taken by the Office on the report of the Chief Internal Auditor for 2009.⁴⁷ The Governing Body was

⁴² GB.309/PFA/BS/2(&Corr.).

⁴³ GB.309/PFA/BS/4.

⁴⁴ GB.310/PFA/BS/2 and GB.310/PFA/8.

⁴⁵ GB.310/PFA/5/3.

⁴⁶ GB.310/PFA/5/2.

⁴⁷ GB.310/PFA/5/1.

also informed of progress made towards the full adoption of International Public Sector Accounting Standards, scheduled for 2012.⁴⁸

Revised field structure

In November 2010, the Governing Body received a report on the implementation of the revised field structure.⁴⁹ The report provided an overview of action already taken and of the next steps in the process. The Governing Body noted that an independent evaluation of the impact of the changes in the field structure was planned for 2013.

Information technology

The Information and Communications Technology Subcommittee of the PFAC met in November 2010 to consider an independent study⁵⁰ undertaken on ILO technology investment needs. The conclusions of the report and considerations of the Governing Body were incorporated in the Programme and Budget proposals and Special Programme Account decisions taken at the March 2011 session.

Matters relating to the ILO Administrative Tribunal

At its November 2010 session, the Governing Body approved revised financing arrangements for the ILO Administrative Tribunal to ensure a more equitable sharing of costs amongst participating organizations.⁵¹

During its 310th Session (March 2011) and following consideration of proposals by its Officers concerning the renewal and appointment of judges of the Administrative Tribunal of the ILO,⁵² the Governing Body recommended that the 100th Session of the International Labour Conference convey its appreciation to Mr Agustín Gordillo for the services he had rendered as judge of the Tribunal, renew the term of office of Ms Mary G. Gaudron (Australia) for three years, and appoint Ms Suzie d'Auvergne (Saint Lucia) as judge of the Administrative Tribunal for a term of office of three years.⁵³ The proposed measures were included in a draft resolution submitted to the Conference.

During the same session, the Governing Body considered the question of the locus standi of staff unions and associations before the Administrative Tribunal of the ILO, including decisions of the UN General Assembly on the subject in relation to its Dispute

⁴⁸ GB.310/PFA/5/4.

⁴⁹ GB.309/PFA/4.

⁵⁰ GB.309/PFA/ICTS/1.

⁵¹ GB.309/PFA/15.

⁵² GB.310/PFA/14/1.

⁵³ GB.310/10(Rev.).

Tribunal.⁵⁴ The Governing Body requested the Office to be kept informed in good time of any relevant developments.⁵⁵

Human resources management

The Governing Body approved amendments to the Staff Regulations concerning repatriation grants, education grants and hardship entitlements.⁵⁶ It also approved an increase in the base salary for the Professional and higher categories and changes in dependants' allowances resulting from the annual report and recommendations of the International Civil Service Commission (ICSC), as endorsed by the UN General Assembly.⁵⁷ Reports were also received relating to the decisions of the UN General Assembly on the report of the Board of the UN Joint Staff Pension Fund and to the Board of the ILO Special Payments Fund.⁵⁸

Progress report on the proposals contained in the Director-General's letter of 17 November 2010 to the Chairperson of the Staff Union

At the November session the Director-General outlined to the Governing Body a number of steps that he was taking to resolve the differences between management and the Staff Union. These proposals had been communicated to the Staff Union in a letter from the Director-General dated 17 November 2010. The Governing Body had been apprised of the Staff Union's point of view in the statement of the Chairperson of the Staff Union Committee to the PFAC.⁵⁹ The Director-General informed the Governing Body that as the matters concerned were complex, both sides would benefit from recourse to an external independent mediator, and that a tight time frame would be set for negotiations, to allow progress to be reported to the Governing Body in March 2011. It was essential that trust be restored between the parties. The Governing Body gave its full backing to the approach described by the Director-General, and was confident that the negotiations would have a successful outcome, and that the interests of the Organization would be guaranteed.

At the March 2011 session, the Governing Body learned from the statement by the Chairperson of the Staff Union to the PFAC⁶⁰ that although the negotiations had not been easy, good progress had been made. The Staff Union was pleased to note that each item for which an immediate solution had been agreed in November had been finalized. The mediation process, with the assistance of an external mediator who enjoyed the confidence of both parties had begun. The Office for its part was confident that the mediation process

⁵⁴ GB.310/PFA/14/2.

⁵⁵ GB.310/10/2(Rev.), para. 45.

⁵⁶ GB.309/PFA/14 and GB.310/PFA/12.

⁵⁷ GB.310/PFA/12 and GB.309/PFA/13.

⁵⁸ GB.310/PFA/13/1 and GB.310/PFA/13/2.

⁵⁹ GB.309/11(Rev.), Appendix II.

⁶⁰ GB.310/10/2(Rev.), appendix.

would strengthen the atmosphere of renewed dialogue and respect, and a further report on progress would be made to the 312th Session of the Governing Body in November 2011.

8. Reports of the Committee on Legal Issues and International Labour Standards

Measures relating to the representation of employers and workers at the International Labour Conference: Addressing tripartite imbalance within delegations

Following discussion in previous sessions held at the request of the 98th Session of the Conference (June 2009),⁶¹ the Governing Body further considered the question of tripartite imbalance in relation to advisers accompanying the respective tripartite delegations to the International Labour Conference. At its 309th Session (November 2010), it requested the Office to review and, as appropriate, revise the information provided in the letter of convocation of the Conference concerning the composition of Conference delegations relevant to the question of tripartite imbalance in delegations; bring the content of the debate on this question in the Governing Body to the attention of the Credentials Committee of the 100th Session of the Conference; and submit a new document on any relevant developments for review by the Governing Body at its 312th Session (November 2011).⁶²

Constitution of the International Labour Organization: Proposals to introduce inclusive language for the purpose of promoting gender equality

At its 309th Session, the Governing Body continued its previous discussions of proposals to introduce inclusive language for the purpose of promoting gender equality in the Constitution of the International Labour Organization. At its 310th Session, the Governing Body approved a draft resolution concerning gender equality and the use of language in legal texts of the ILO for submission to the 100th Session of the International Labour Conference.⁶³ Subject to the adoption of the resolution by the Conference, the Governing Body requested the Office to attach the editor's note approved by the Governing Body to the Constitution of the International Labour Organization.

Improvements in standards-related activities of the ILO

In November 2010, the Governing Body considered a document⁶⁴ providing an update on the development of the interim plan of action (adopted in 2007) for the implementation of the standards strategy (adopted in 2005), and the follow-up given to it

⁶¹ ILO: *Provisional Record* No. 4C, International Labour Conference, 98th Session, Geneva, 2009, para. 122 (Credentials Committee request).

⁶² GB.309/PV, para. 304 and GB.309/12/1(Rev.), para. 11.

⁶³ GB.310/11/1(Rev.), para. 18(a) and Appendix I.

⁶⁴ GB.309/LILS/4.

since March 2010. The document took particular account of the conclusions of the consultations on standards policy that had been held in February and March 2010 and contained specific proposals by the Office for a comprehensive approach to strengthen that policy. It further proposed a plan of action to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199). Finally, it contained information concerning the tripartite working group of experts to examine the Termination of Employment Convention, 1982 (No. 158), and its accompanying Recommendation (No. 166), as well as on the implementation of the three other components of the strategy, concerning the supervisory system, technical cooperation and information.

The Governing Body invited the Office to prepare a paper for submission to the 310th Session (March 2011) of the Governing Body containing further details on the implementation of the standards policy component of the standards strategy, including draft terms of reference of a possible standards review mechanism, as revised in light of the discussion.

In March 2011, the Office submitted two documents on the question of improvements in standards-related activities of the ILO. The first focused on the ILO's standards policy (first component of the standards strategy) and was entitled "an approach for a robust and effective international labour code".⁶⁵ This document was based on the consultations and discussions that had taken place in 2010. It contained proposals for the implementation of the standards policy using the ILO Declaration on Social Justice for a Fair Globalization as an overarching framework. The objective was to ensure that the Organization had available to it a clear and up-to-date body of international labour standards. The document proposed the establishment of a standards review mechanism in respect of which the Committee on Legal Issues and International Labour Standards (LILS) would play a central role. The proposals included the establishment of working group(s), their composition, working methods and the principles to guide the review, options for the standards to be reviewed and possible time frames for the reviews. The proposals were very positively received and gave rise to a rich debate. The Governing Body invited the Office⁶⁶ to prepare a paper for submission to the 312th Session (November 2011) of the Governing Body, taking into account comments made during the discussion and containing concrete proposals for the establishment and the implementation of a standards review mechanism.

The second document⁶⁷ on this item concerned the streamlining of the sending and processing of information and reports, in the framework of the second component of the strategy. It covered the question of the review of article 22 report forms for occupational safety and health (OSH) Conventions and a new article 22 reporting cycle for the fundamental and governance Conventions. With regard to the first question, the Governing Body decided to modify slightly, in accordance with the Office proposal, the annex to the Occupational Safety and Health Recommendation, 1981 (No. 164), in the article 22 report form on the Occupational Safety and Health Convention, 1981 (No. 155); it invited the Office to report on the ongoing review of the article 22 report forms concerning the Asbestos Convention, 1986 (No. 162), the Safety and Health in Construction Convention, 1988 (No. 167), the Chemicals Convention, 1990 (No. 170), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), and the Safety and Health in Mines

⁶⁵ GB.310/LILS/3/1.

⁶⁶ GB.310/11/2(Rev.).

⁶⁷ GB.310/LILS/3/2.

Convention, 1995 (No. 176), and it invited the Office to carry out a review of the general parts of the report forms of the up-to-date Conventions, in due time. Concerning the second question, the Governing Body approved the three-year and five-year reporting cycles with the existing grouping of Conventions by subject matter, and invited the Office to implement the three-year reporting cycle for the fundamental and governance Conventions as of 2012.⁶⁸

The Maritime Labour Convention, 2006, preparation for entry into force

It will be recalled that at its 306th Session in November 2009, the Governing Body decided⁶⁹ to establish a Preparatory Tripartite MLC, 2006, Committee (“the Preparatory Committee”), modelled⁷⁰ on the future “Special Tripartite Committee” to be established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006), when it comes into force.⁷¹

The mandate of the Preparatory Committee is to “keep under review the preparations by Members for implementing the MLC, 2006, identify any common issues and prepare the work for the future Special Tripartite Committee on any questions that might need to be dealt with as a matter of urgency after entry into force of the Convention, including the rules of procedure of the Committee”. The Governing Body, in establishing the Preparatory Committee, envisaged that, subject to budgetary considerations, the Committee would “meet at least once during 2010 and once during the 12-month period following deposit of the 30th ratification”.

As noted in the summary report provided to the LILS Committee in November 2010⁷² and in the final report to the Governing Body in March 2011, at its 310th Session,⁷³ the Preparatory Committee attended by representatives of the governments of 59 interested ILO Members and representatives nominated respectively by

⁶⁸ GB.310/11/2(Rev.).

⁶⁹ Reports of the Committee on Legal Issues and International Labour Standards, second report, Governing Body, 306th Session, Geneva, November 2009, GB.306/10/2(Rev.), para. 83.

⁷⁰ The composition of the Preparatory Committee, as established by the Governing Body was “to be open to governments of any interested member States and includes up to ten representatives nominated respectively by the International Shipping Federation and the International Transport Workers’ Federation” (ibid., para. 83(a)(iii)). The Governing Body instructed “the Office to provide funding for the participation at meetings of the committee of ten representatives nominated by the Shipowners’ and Seafarers’ groups of the Joint Maritime Commission, respectively. There would be no limitation on the number of interested seafarers or shipowners that chose to participate at their own expense”. (ibid., para. 83(b)(iii)).

⁷¹ Article VIII, paragraph 3, of the MLC, 2006 requires ratification by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent. The Convention has now been ratified by 12 Members of the Organization, whose total share in the world gross tonnage of ships is greater than 33 per cent (now approximately 48 per cent). Currently it is expected that the 30th instrument of ratification will be deposited by the end of 2011. The Convention will come into force 12 months after registration of the 30th ratification.

⁷² GB.309/LILS/7.

⁷³ GB.310/LILS/6; GB.310/11/2(Rev.), paras 70–75.

the International Shipping Federation (ISF) and the International Transport Workers' Federation (ITF), met at ILO headquarters in Geneva from 20 to 22 September 2010.

As also noted in those reports the participants expressed their appreciation of the meeting, which had, in particular, allowed discussion on problems encountered in the implementation of the MLC, 2006, as well as on how those problems could be solved on the basis of the Convention's provisions.

In connection with the Preparatory Committee's mandate with respect to the rules of procedure of the Article XIII Special Tripartite Committee, the participants indicated a strong interest in a further opportunity, if at all possible, through a second meeting of the Preparatory Committee, to participate in the development of draft standing orders for the future Special Tripartite Committee, before their consideration and adoption by the Governing Body. In particular, they hoped that there would be an opportunity for the members to submit comments on a draft text of the Standing Orders before they were finally adopted by the Governing Body. Subject to the availability of funding, such a second meeting is scheduled for December 2011.

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2012

In March 2011, the Governing Body had before it a document⁷⁴ containing proposals for the choice of Conventions and Recommendations on which governments might be invited to submit reports under article 19 of the Constitution in 2012, with a view to the General Survey to be prepared by the 2012 Committee of Experts to be examined by the Committee on the Application of Standards in 2013.

The Governing Body decided to request governments to submit reports for 2012, under article 19 of the Constitution, on the Labour Relations (Public Service) Convention, 1978 (No. 151), the Labour Relations (Public Service) Recommendation, 1978 (No. 159), the Collective Bargaining Convention, 1981 (No. 154), and the Collective Bargaining Recommendation, 1981 (No. 163), on the basis of the report form contained in the appendix to the Office document.⁷⁵ It should be noted that this form had been adopted in March 2008, but its sending had been deferred following the alignment of the subjects of the General Surveys with those of the recurrent report under the follow-up to the Declaration on Social Justice for a Fair Globalization. The Governing Body further decided, so as to establish an interval of one year between the discussion in the Committee on the Application of Standards of the General Survey and the recurrent discussion on the same subject, that no new General Survey on instruments related to employment should be undertaken for the purposes of the next recurrent discussion on employment during the present cycle.

Ratification and promotion of fundamental and governance Conventions

In 1995, the Director-General launched a campaign to promote ratification of the fundamental Conventions. Following the adoption, in 2008, of the ILO Declaration on

⁷⁴ GB.310/LILS/4.

⁷⁵ GB.310/11/2(Rev.).

Social Justice for a Fair Globalization, this campaign was extended to include the four governance Conventions.

The document submitted to the Governing Body in March 2011⁷⁶ contained information on the ratification prospects and possible obstacles to ratification in respect of both groups of Conventions. Regarding the fundamental Conventions, the report noted that since November 2009, five new ratifications had been registered. In this respect, to reach the goal of universal ratification, set for 2015, 142 ratifications were still needed. Regarding the governance Conventions, the document indicated that since November 2009, 12 new ratifications had been registered. The Governing Body noted the information in the document and decided to keep the subject on the agenda of the Committee on Legal Issues and International Labour Standards with a view to following the progress made.⁷⁷

9. Subcommittee on Multinational Enterprises

In November 2010, the Governing Body established an ad hoc Working Group⁷⁸ to review the follow-up mechanism of the MNE Declaration with a view to developing promotional options. The participants included employers' representatives from Denmark, Germany and South Africa; workers' representatives from Italy, South Africa and the United Kingdom; and government representatives from Argentina, Azerbaijan, Belgium, China, Italy and South Africa. The Chairperson of the Working Group provided an update on progress during the March 2011 meeting.

All participants affirmed the continuing relevance of the MNE Declaration. It provided guidance to companies on Corporate Social Responsibility (CSR), as well as promoting the role of MNEs in economic and social development, addressing the key responsibilities of governments and promoting social dialogue. Much discussion centred on what could be done at national level to promote dialogues involving the MNEs, using the MNE Declaration as the basis. Although the follow-up mechanism in the form of a periodic survey to monitor the effect given to the Declaration had not been viewed as a success, it did serve as a "periodic reminder" to all ILO constituents at a national level. The debates focused on how best to encourage national discussions, without adding to the existing reporting requirements, through e.g., ILO Regional Meetings and workplans, the preparation of DWCPs, and discussions at the International Labour Conference. The Office could help facilitate exchange of national experiences in implementing the MNE Declaration. The MNE Declaration should be promoted more assertively outside the ILO through enhanced cooperation with other international organizations as well as within the Office. There were divergent views on whether or how the promotional options could include a sector-level approach.

The Office would investigate options to incorporate a universal follow-up to the national tripartite promotion of the MNE Declaration without increasing the existing tripartite reporting contributions of member States; it would further explore how the MNE Declaration could be most effectively and systematically mainstreamed into existing work

⁷⁶ GB.310/LILS/5(&Add.).

⁷⁷ GB.310/11/2(Rev.), para. 69.

⁷⁸ GB.309/13(Rev.), para. 28.

within ILO departments. Final recommendations would be presented to the Governing Body in November 2011.

The Office also provided examples of ILO engagement with MNEs⁷⁹ through regular internal meetings to exchange experiences, to discuss common challenges and develop a more coordinated approach.

10. Committee on Employment and Social Policy

In November 2010, the Governing Body took note of the discussion held in the Employment and Social Policy Committee (ESP Committee) on the following agenda items: (1) Follow-up to the Global Jobs Pact; (2) Recurrent item on social security (ILC, 2011): Update; and (3) Labour inspection and administration: Challenges and perspectives.

At the request of the constituents, the Committee kept the interactive panel discussion format as at the previous Global Jobs Pact reporting session. In November, the panel took up special assignments (i), (iii) and (iv).⁸⁰

With regard to special assignment (i) – ensuring sound and integrated technical support to the operational response to constituents in countries – the Office informed the Committee that Global Jobs Pact implementation efforts had centred on working in multidisciplinary teams, conducting policy reviews through the preparation of the scan documents, providing capacity building and technical support. Lessons learned showed that policy dialogues had been instrumental in the promotion of the Pact. Despite divergent views expressed by the Employers' and Workers' groups, progress in implementation of the Pact was widely acknowledged.

With regard to assignment (iii) – crisis-related research – the Committee noted that research revealed that the Global Jobs Pact had brought a double dividend, both in helping to smooth the impact of the economic and financial crisis and in softening the employment and social impact of falling gross domestic product (GDP). Reporting on assignment (iv) – resource mobilizations – the Committee noted the Office's resources mobilization strategy of mainstreaming the Pact's objectives in the outcome-based workplans.

During the second part of the discussion, the Committee reviewed the Office paper on recovery patterns, growth and employment potential which highlighted broad policy options facing policy-makers, and contained an analysis of recovery patterns with reference to six countries. The crisis had created space for different views on macroeconomic policy and the paper drew attention to some of the key arguments for discussion. The Committee acknowledged that the Office had a clear mandate to explore and promote mechanisms to place employment and social protection at the centre of growth and development strategies.

The Governing Body was given an oral update on the preparation of the ILC Recurrent item on social security. Following the endorsement of the main structure of the report at its March 2009 session of the ESP Committee, the Office had produced an initial

⁷⁹ GB.310/MNE/2.

⁸⁰ Special Office arrangements to support ILO constituents to give effect to the Global Jobs Pact, Director-General's announcement, IGDS No. 127.

draft text. The purpose of the November 2010 update was to make the fact base available to constituents and inform them of overall progress made and the production timetable.

Challenges and perspectives regarding labour inspection and administration were also discussed in November. The Office received inputs and guidance for the preparation of the report to the 99th Session of the Conference on this subject. The importance of both labour administration and labour inspection, at the national, subregional and regional levels was strongly stressed. National labour administration institutions and labour inspectorates should be reinforced as a priority in order to promote good governance. The Office took account of various constructive suggestions to be incorporated into the Conference report.

In its March session in 2011, the Committee received the Office report⁸¹ on rural developments favourably; it also reiterated the need for the ILO to address rural issues and welcomed the Office's proposed strategy. The Committee held a further panel discussion updating implementation of the Global Jobs Pact, and reporting on special assignments (i) and (iii). The Office presented country scans on Bulgaria, Indonesia and South Africa. These three country scans were selected as they reflected different levels of development and national crisis response policy packages. The quality of the scan documents, the scan presentations, the multidisciplinary approach adopted and progress in implementation were highly appreciated. The Committee supported the scan methodologies to be used for DWCPs, and for transforming Global Jobs Pact scans into Decent Work Country scans, noting that this would require sufficient time and consultations in order to ensure the correct outcomes.

Finally, at its March 2011 session, the Committee discussed global trends and wage policy developments in selected countries in the context of economic and financial crisis and future recovery. The Committee appreciated the improved methodologies in the Global Wage Report 2010/11, however, there were divergent views in respect of approaches on this much debated subject. The Office took note of the future areas of work proposed by the constituents.

11. Committee on Sectoral and Technical Meetings and Related Issues

In its work last year, through its Committee on Sectoral and Technical Meetings and Related Issues, the Governing Body paid particular attention to ensuring that new developments in specific economic sectors were addressed effectively through the Sectoral Activities Programme.

Aside from fulfilling its mandate on an ongoing basis, the Committee therefore used its November 2010⁸² and March 2011⁸³ sessions to review recent outcomes of sectoral work. In these reviews, which were aimed at deepening further the Governing Body's understanding of the challenges, limitations and opportunities specific to the Sectoral Activities Programme, the Committee analysed some of the Programme's recent achievements and shared lessons learned with a view to assisting the Governing Body in

⁸¹ GB.310/ESP/1.

⁸² GB.309/15(Rev.).

⁸³ GB.310/14.

defining future areas of intervention and adjusting the focus and modalities of the Programme accordingly.

At its November session, the Committee focused on reviewing sectoral initiatives on HIV and AIDS carried out in the last ten years and, at its March session, it evaluated the outcomes of the action programmes on health services, public services, telecommunication services and utilities as well as progress made in the action programme on transport equipment manufacturing.

Based on these reviews, the strategic orientation contained in the Strategic Policy Framework 2010–15, and informal consultations through sectoral advisory bodies (in line with the procedures adopted in 2007), the Committee recommended to the Governing Body priorities for work under the Sectoral Activities Programme for 2012–13. In making these recommendations, the Committee also fully considered the Governing Body's November decisions related to the follow-up of meetings held in 2010, such as the Meeting of Experts to Adopt a Code of Practice on Safety and Health in Agriculture, the Global Dialogue Forum on Vocational Education and Training, and the Global Dialogue Forum on New Developments and Challenges in the Hospitality and Tourism Sector and their Impact on Employment, Human Resources Development and Industrial Relations.

As part of its continued analysis of sectoral developments connected to the global economic downturn, at its November session, the Committee discussed new developments in public administration and, at its March session, repercussions of the downturn on the education and research sectors.

Transport and maritime issues were also brought to the attention of the Committee, which made recommendations on further follow-up to the resolution concerning tonnage measurement and accommodation, adopted by the 96th Session of the International Labour Conference, on convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission, and on ILO cooperation with IMO, UNECE and WHO in the transport sectors.

12. Committee on Technical Cooperation

At its session in November 2010, the Committee on Technical Cooperation discussed a paper on capacity development for tripartite constituents. It agreed on the importance of institutional capacity development for ILO constituents to play a more active role in development policy. It further noted a report on ILO technical cooperation and DWCPs, 2008–09. The Committee also discussed technical cooperation priorities and action plans regarding the abolition of child labour as a follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. With regard to this item, it re-endorsed the Global Action Plan of 2006, endorsed the 2010 Global Action Plan, taking into account the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour agreed at The Hague Global Child Labour Conference, and reconfirmed its commitment to the elimination of child labour as one of the Organization's highest priorities, and the role of the International Programme on the Elimination of Child Labour (IPEC) in supporting efforts to eliminate child labour.

At its March 2011 session, in follow-up to its previous discussion on capacity development, the Committee adopted a number of operational strategies for capacity development in DWCPs and technical cooperation regarding assessment of capacity needs, promoting institutional capacity development through DWCPs and technical cooperation, leveraging the advantages of the Turin Centre, and strengthening the monitoring, evaluation and communication of capacity-building results. It requested further information on the ILO's current capacity-development initiatives. The Committee also

discussed the issue of decent work and aid effectiveness in relation to the upcoming Fourth High-Level Forum on Aid Effectiveness in Busan, Korea, at the end of 2011. The Committee agreed on the need for the ILO to engage in this debate and to promote an agenda of development effectiveness which stressed engagement with civil society, capacity development, South–South cooperation, and support to fragile States. At the same session, the Committee was briefed orally on operational aspects of IPEC, and noted a report on the implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia.

13. Issues dealt with in supplementary reports of the Director-General

Appointment of the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector

In November 2010, the Governing Body noted the appointment by the Director-General of Mr Guy Ryder as Executive Director of the Standards and Fundamental Principles and Rights at Work Sector, at the Deputy Director-General level, with effect from 1 September 2010.

Appointments of regional directors

In November 2010, the Governing Body noted the appointment by the Director-General of Ms Susanne Hoffmann as Regional Director of the Regional Office for Europe and Central Asia, with effect from 1 May 2010, and of Ms Elizabeth Tinoco Acevedo as Regional Director of the ILO Regional Office for Latin America and the Caribbean in Lima, at the Assistant Director-General level, with effect from 1 February 2011.

Measuring decent work

Further to the discussion at the 307th Session (March 2010), the Governing Body reviewed progress on “Measuring decent work” at both its November 2010 and March 2011 sessions. (The report⁸⁴ of the Chairperson of the Governing Body to the 99th Session of the International Labour Conference (2010) provides further information on this ongoing work.)

The November 2010 Governing Body:

- (a) received, examined and discussed additional information provided by the Office on the objectives, construction and key elements of the method developed to document progress towards the application of fundamental principles and rights at work; and
- (b) requested the Office to organize further consultations on the method and results of the pilot project and to provide a further report to be submitted to the 310th Session (March 2011) of the Governing Body.

⁸⁴ *Provisional Record* No. 1, ILC 99th Session, Geneva, 2010.

Subsequent to the decision of the Governing Body (November 2010), the Policy Integration and International Labour Standards Departments jointly organized a half-day meeting on 3 February 2011 with the participation of representatives from the Workers' and Employers' groups and Government representatives from the regional groups. The meeting provided a brief presentation on the method, elaborated in a Working Paper⁸⁵ prepared and published (January 2011) by the Office, and shared preliminary results on four pilot countries.

At its March 2011 session, the Governing Body took note on the information provided by the Office as regards the above meeting and the request made to the Office to organize further and more in-depth consultations on the method and its results. The results would be reported to the Governing Body along with a review of progress in the development of Decent Work Country Profiles.

Promotion of the ratification of the 1986 Instrument of Amendment of the Constitution of the International Labour Organisation

During its 309th Session (November 2010), the Governing Body took note of updated information on the campaign to promote the ratification of the 1986 Instrument of Amendment of the Constitution of the International Labour Organisation,⁸⁶ reiterating its request to the Office to widen and diversify its action and inviting the Director-General to submit periodic reports on the implementation of its decision.⁸⁷

Developments in relation to the International Organization for Standardization

At its 309th Session (November 2010), the Governing Body requested the Office to inform the International Organization for Standardization (ISO), in response to its request, that the ILO did not agree with its proposal to establish a new technical committee to facilitate the development of a management system of standards for the human resource management field "associated with all sectors and industries where human labour is applied". The Governing Body considered that the proposed activity would interfere with the work of the ILO and that ISO should abstain from any further action in the field of human resources management.⁸⁸ At its 310th Session (March 2011), the Governing Body expressed its concern and disappointment that, despite the objections it had raised, ISO had decided to proceed with the activity. The Governing Body requested the Director-General to respond to any ISO request for cooperation on the matter by underlining the need for a clear and shared understanding of the respective competences of the ILO and of ISO as the precondition for any such cooperation.⁸⁹

⁸⁵ Accessible at: http://www.ilo.org/integration/resources/papers/lang--en/docName--WCMS_150702/index.htm.

⁸⁶ GB.307/16/6(Rev.), para. 5, GB.309/18/3 and GB.309/PV, paras 347–357.

⁸⁷ GB.309/18/3, para. 7, and GB.309/PV, paras 354 and 357.

⁸⁸ GB.309/18/4, GB.309/18/4(Add.) and GB.309/PV, para. 363.

⁸⁹ GB.310/17/7, para. 5, as amended.

Progress on the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

At its 306th Session in November 2009, the Governing Body was informed⁹⁰ that the Office planned to organize a meeting of governments from member States that had ratified the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), or which were seriously considering ratification, along with representatives from the ISF and the ITF. The purpose of these consultations was to review the state of progress on Convention No. 185 and to consider potential solutions to any impediments to ratification, especially in light of a new "biometric profile" (ISO/IEC 24713-3 standard) which had been prepared under the auspices of the ISO in response to a request by the ILO.

The envisaged consultations were held in Geneva on 23–24 September 2010. They fully met the Office's expectations not only by providing it with the technical expertise on a subject matter that is beyond its normal competence but, above all, by throwing light on the question as to why the pace of ratification of this Convention and, in some cases, its implementation by ratifying countries, had been slow. Perhaps the main reason that was highlighted during the consultations in connection with the relatively slow pace of ratification was the absence of ratification by other ILO Members, particularly port States. Because of this, countries considering whether to ratify the Convention saw little advantage in doing so at the present time. The question of cost was also a reason for the hesitancy in ratification, especially in the case of developing countries and countries with very few seafarers. There was consensus on the potential usefulness of certain solutions, of a technical or administrative nature, that had been proposed by the ISO/IEC committees which developed the new standard or by the Office for improving the system of identification under Convention No. 185 and achieving cost savings, where possible, for Members establishing their national systems pursuant to the Convention. One such idea was the establishment of an international centre to coordinate the national focal points (or electronic access) which Members are required to make available 24 hours a day, seven days a week, under Article 4 of the Convention.

It was also considered that the Office should accept a proposal made by the ISO/IEC committees to develop their standard so as to support the optional addition to the seafarer's identity document (SID) of a microchip. The sole purpose of this innovation would be to enable the information already on the SID to be read by the existing infrastructures created to read ePassports. It was stressed that the inclusion of such a chip should in no circumstances be made mandatory. In addition, the Seafarer representatives in the consultations indicated that, in exchange for their accepting this substantial technical improvement, port States should give significant weight to allowing shore leave for seafarers holding SIDs validly issued in accordance with Convention No. 185.

Another idea would be for the Office to conduct or to facilitate the conduct of an international procurement to establish a list of qualified vendors that could provide all elements of a SID-issuance system at low cost. Consideration might be given to including in the procurement a list of companies qualified to conduct independent evaluations so that Members would be able to refer to a list of qualified entities to conduct such evaluations at a fixed cost.

The Office is at present following up the various ideas with a view to defining concrete proposals or options for implementing Convention No. 185 in a cost-effective way having regard to the different situations of interested ILO Members.

⁹⁰ GB.306/17/3.

The Participatory Gender Audit

The 2009 International Labour Conference conclusions on gender equality instructed the ILO to use the Participatory Gender Audit (PGA) as a tool for assessing progress towards gender equality and stated that progress on the conclusions should be reported to the Governing Body.⁹¹ In March 2011, the Governing Body took note of the information contained in a paper⁹² presenting the PGA and its development over the last ten years. The Governing Body expressed satisfaction with results achieved on gender equality among constituents, the Office and UN system partners which have undertaken PGAs and related trainings. PGA's recognition and increasing use by the UN Country Teams (12 to date) were acknowledged and interest regarding further adaptations was high. In this regard, the relevance of the newly developed manual for conducting PGAs in UN settings⁹³ was highlighted, and a link established with gender equality developments in the multilateral system such as the formation of UN Women.

Decent work and the multilateral system

On the basis of a paper concerning “decent work in the multilateral system”⁹⁴ the Governing Body examined the main issues surrounding the further advance of decent work in the UN system, covering the outcome of the UN General Assembly High-Level Plenary Meeting on the Millennium Development Goals (MDGs) (September 2010), reflections in the Chief Executives' Board (CEB) on the post-2015 situation, the UN Economic and Social Council (ECOSOC), the Social Protection Floor and other crisis response initiatives, UN reform issues and the work of the UN Development Group (UNDG), the current status and use of the CEB Toolkit for Mainstreaming Employment and Decent Work, the creation of the new UN entity on gender issues (UN Women), South–South cooperation, and the forthcoming Fourth UN Conference on the Least Developed Countries (May 2011) and the UN Conference on Sustainable Development (Rio+20, 2012).

Governing Body speakers stressed the importance of the participation of employers' and workers' organizations in work with other agencies, especially G20 processes, and the need for the international community to pay greater attention to decent work in multilateral cooperation.

14. Regional Meetings

Arrangements for the 12th African Regional Meeting

At its 310th Session (March 2010), the Governing Body decided that the 12th African Regional Meeting would be held in Johannesburg, South Africa, during the week starting 10 October 2011. The Governing Body adopted the agenda of the Meeting, which is to

⁹¹ ILO: Resolution concerning gender equality at the heart of decent work, International Labour Conference, 98th Session, Geneva, 2009, paras 52(f) and 58.

⁹² GB.310/17/3.

⁹³ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_151526.pdf.

⁹⁴ GB.301/17/4.

discuss, on the basis of a report submitted by the Director-General, progress made by the countries of the region towards achieving the targets set by the Decent Work Agenda in Africa 2007–15, adopted at the 11th African Regional Meeting (Addis Ababa, Ethiopia, 24–27 April 2007); key challenges in implementing this Agenda in Africa, including the impacts of, and responses to, the global financial and economic crisis, and an analysis of the situation in northern Africa. The Regional Meeting will also set out future priority actions for the region to achieve the Decent Work Agenda in Africa. The Governing Body further decided that the official languages of the Meeting would be English, French and Arabic.

Arrangements for the 15th Asian Regional Meeting

In the light of the devastating earthquake and tsunami which hit Japan on 11 March 2011, the Governing Body decided that the 15th Asia and the Pacific Regional Meeting would be rescheduled and authorized the Director-General to propose an appropriate date to the Officers of the Governing Body, to be confirmed at its 311th Session (June 2011).

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