



Governing Body

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Institutional Section

INS

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DRAFT

1. The Institutional Section of the Governing Body met on Monday, 19 Wednesday, 28 and Thursday, 29 March 2012. The Chairperson of the Governing Body, Mr Vines (Government, Australia), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr Funes de Rioja (Argentina), and the Worker Vice-Chairperson of the Governing Body, Mr Cortebeek (Belgium) were Employer and Worker spokespersons, respectively.

First item on the agenda

Approval of the minutes of the 312th Session of the Governing Body (GB.313/INS/1)

Decision

2. *The Governing Body approved the minutes of its 312th Session, as amended.*

(GB.313/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference (GB.313/INS/2)

3. *The Chairperson* proposed that the agenda item on employment should be dealt with immediately and the choice of the remaining two items deferred until the June session of the Governing Body.
4. *The Employer Vice-Chairperson* stressed that all issues not included on the agenda could not remain under consideration indefinitely, and that issues discussed as a result of the recurrent discussion would not automatically be followed by further discussion. It was preferable to postpone the decision pending the outcome of the Conference discussions in June 2012.
5. *The Worker Vice-Chairperson* said that a satisfactory way to agree on Conference agenda items remained to be found. However, there were some interesting proposals. The possible Recommendation on policy coherence was of key importance but should be deferred and considered through a proper process of tripartite consultation. Such a process was indispensable to reaching considered decisions on setting the Conference agenda. The Workers' group supported the proposal to postpone the selection of one item pending the recurrent discussion on fundamental principles and rights at work in June 2012.
6. The group had proposed to the Working Party on the Functioning of the Governing Body and the International Labour Conference that a resolution committee could be reconvened, in place of a general discussion, as a mechanism that would enable the Director-General of the ILO to obtain an overview of the needs of the world of work.
7. *Speaking on behalf of the Africa group*, a Government representative of Kenya supported the proposal to continue tripartite consultations on the process of setting the Conference

agenda. In this regard, items should not be proposed year after year if they received insufficient support. The Africa group therefore supported all the draft decisions. Regarding the third technical item for the 103rd Session (2014) of the Conference, the group favoured its selection from among the six remaining items on the list.

8. *A Government representative of the United States* favoured decent work in global supply chains for the third item on the agenda of the 2014 session of the ILC, but if consensus was not reached, his Government would agree to include the selection of the third item in the consultations on the agenda.
9. *A Government representative of Hungary* emphasized the importance of finding a more effective way of setting the agenda of the Conference, which would reinforce the governance role of the Governing Body. Tripartite consultations would provide valuable input. Her Government supported the draft decisions, and would agree to select the third item from among the three remaining items on the shortened list. Of those items, Hungary preferred decent work in global supply chains.
10. *A Government representative of India* agreed to postpone the second item (18(ii)). For the third item, India supported promoting sound industrial relations through the prevention and resolution of labour disputes.
11. *A Government representative of Italy* supported all draft decisions. For the agenda of the 2014 Conference, Italy agreed to select the third item from among the three remaining items on the list.
12. *A Government representative of Switzerland* reiterated that agenda setting for the ILC should be viewed in the context of the reform process. Switzerland was in favour of the proposal for a recurrent discussion on the strategic objective of employment.
13. *A Government representative of Netherlands* noted that the Conference agenda for 2012 was strong and relevant. For 2014, his Government would like to see the item on finance with a social purpose, but if there was not sufficient support, they would also be in favour of the item on decent work in global supply chains.
14. *A Government representative of France* said he looked forward to the successful conclusion of ILC reforms with a view to achieving strategic guidance on the choice of agenda items. His Government supported the draft decisions. For the agenda of the 2014 Conference, France agreed to select the third item from among the three remaining items on the list, with a preference for the item on a possible Recommendation on policy coherence, followed by the item on decent work in global supply chains.
15. *A Government representative of China* supported all draft decisions. For the agenda of the 2014 Conference, China preferred the item on promoting sound industrial relations through the prevention and resolution of labour disputes.
16. *A Government representative of Brazil* expressed their preference for an item on a possible Recommendation on policy coherence.
17. *The Chairperson* considered that consensus had been reached on decision paragraphs 16 and 17. Regarding decision paragraph 18, preferences as to the choice of the third agenda item for the 2014 Conference agenda, voiced in the present discussions, would be fed into the tripartite consultations. Decision paragraph 19 was adopted.

Decision

18. *The Governing Body:*

- (a) *requested the Office to make the appropriate arrangements to continue the consultations on the process of setting the Conference agenda;*
- (b) *decided that the 103rd Session (2014) of the Conference would be held in Geneva;*
- (c) *as regards the agenda of the 103rd Session (2014) of the Conference:*
 - (i) *approved the proposal for a recurrent discussion on the strategic objective of employment;*
 - (ii) *agreed to postpone the selection of a second item, pending the outcome of the discussions of the 101st Session (2012) of the Conference;*
 - (iii) *agreed to include the selection of the third item in the consultations on the agenda that would be pursued;*
- (d) *as regards the agendas of future sessions of the Conference, decided that the last two recurrent discussions of the cycle would be on social protection (labour protection) (in 2015), and fundamental principles and rights at work (in 2016), and that these items would be placed on the agenda of the Conference.*

(GB.313/INS/2, paragraph 19.)

Third item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.313/INS/3)

- 19. *The Chairperson* introduced the report and drew attention to a number of points. He referred in particular to the fact that all governments had fulfilled their reporting obligations in the current year, only six new ratifications had been registered in 2011, and the Office had not received any “no change” reports during 2011–12, which was evidence of the commitment of States to promoting fundamental principles and rights at work.
- 20. With much remaining to be done to achieve universal ratification of the fundamental Conventions, the Office was actively involved, through technical assistance, in helping the countries that requested it. It was also contributing towards promoting the ILO Declaration on Fundamental Principles and Rights at Work, which was playing a part in achieving the Millennium Development Goals.
- 21. The Chairperson invited the Governing Body to comment on the information contained in the report and to provide guidance on key issues and priorities for helping member States in their efforts to promote fundamental principles and rights at work.

22. *An Employer member from Brazil* underlined the importance of the 1998 Declaration, as borne out by the general observation communicated by the International Organisation of Employers (IOE). The follow-up made it possible to verify that all member States were respecting the principles that it set forth. In the opinion of the Employers' group, annual reports under the follow-up to the Declaration should not be a tool for promoting the ratification of Conventions, since that was only one of the means for realizing fundamental principles and rights at work. Nor was ratification an absolute indicator of States' commitment since, even though some had not ratified certain Conventions, all had fulfilled their reporting obligations. Hence a real display of commitment on the part of States was more important than the registration, however limited, of new ratifications.
23. The document also showed that the Declaration was an instrument that favoured social dialogue. It was therefore important that the report should examine national practice, apart from legislation. Facts were what provided an indicator of progress, and technical assistance from the ILO was crucial in that respect.
24. The speaker welcomed the more dynamic, broader approach of the report, especially the presentation of sections by area of activity, as well as the more factual aspect provided by the information itself. The document would serve as the basis for the recurrent discussion at the next session of the International Labour Conference.
25. The report also made it possible to identify priority areas in the sphere of technical assistance, areas which merited close attention, including in terms of budgetary resources. The speaker noted that the resources allocated to technical cooperation were insufficient and asked the Office how it intended to respond to all the requests from countries, and also requested clarification concerning the financial impact. He considered that resources should be allocated to the activity from the regular budget.
26. He also noted that the number of States which had not ratified the eight fundamental Conventions had decreased significantly but that Conventions Nos 87 and 98 were those which had the lowest ratification rate and that neither of these Conventions had been ratified by any country in 2011. He remarked that the hesitation shown by some countries with regard to ratification might be connected with the ILO supervisory bodies' interpretation of certain provisions of the Conventions.
27. The speaker added that all the comments regarding freedom of association and the efforts made by the States to promote it also applied to the areas of forced labour, child labour and discrimination. He commended the desire of States to achieve a change in attitudes, since that was not an easy task.
28. Finally, the Employers proposed to add a section to the annual report which would deal with the ILO's replies to requests for technical assistance.
29. *The Worker Vice-Chairperson* reaffirmed the commitment of the Workers' group regarding the 1998 Declaration and its follow-up, since fundamental rights at work constituted a minimum floor for social justice, especially in the current times of crisis. He regretted that certain parties were using the crisis to justify violations of workers' rights. The Declaration also had the effect of strengthening social cohesion and achieving stability in labour relations.
30. While welcoming the good results achieved by the States in terms of reporting, the speaker expressed concern at the small number of new ratifications, bearing in mind the goal of universal ratification by 2015, and called on member States that had not yet ratified one or more of the fundamental Conventions to do so. The governments sitting in the Governing Body should set an example.

31. With regard to freedom of association and collective bargaining, challenges remained, including legal obstacles, no right to organize for certain sectors, failure to respect the rights of public sector workers, and violations of migrant workers' rights. Concerning forced labour and child labour, there was a particular need for legislative reform and for more attention to be given to invisible groups (such as domestic workers) and the weakest groups in society (such as children). With regard to discrimination, many issues had still to be resolved and, with that in mind, the Workers' group invited States to respect tripartism at all stages of the decision-making process.
32. In conclusion, the Workers' group welcomed the action of the ILO, especially the assistance given to member States, which needed to be continued since it played a crucial role. The Office needed to devote more resources to it, with a view to universal ratification by 2015.
33. *Speaking on behalf of the Africa group*, a Government representative of Kenya outlined the contents of the document before them. She emphasized that the strong reporting rate was testimony to member States' commitment to giving effect to the fundamental principles and rights at work but regretted that no new ratifications had been registered for Convention Nos 87 and 98. The Africa group supported the efforts of the Office focused on the three priority areas set out in the paper under discussion and it encouraged the Office to focus on technical assistance initiatives and raise governments' awareness of the need to ratify the fundamental Conventions. It also encouraged the Office to collect data, reinforce tripartism and social dialogue and strengthen the capacities of employers' and workers' organizations through the Decent Work Country Programmes (DWCPs). The Africa group supported the draft decision.
34. *A Government representative of Zambia* said that his Government endorsed the intervention made on behalf of the Africa group and urged countries that had not yet ratified all the fundamental Conventions to do so. He reaffirmed the need to promote social dialogue and strengthen the capacities of workers' and employers' organizations. Zambia supported the draft decision.
35. *A Government representative of Italy*, recalling that the goal of universal ratification was still far from being achieved, said that the recurrent discussion to be held at the 101st Session of the International Labour Conference would be the occasion for discussing those issues and would give countries the opportunity for a possible review of their positions regarding the ratification of certain Conventions. In order to reach that goal, the Office needed to follow up on all requests for technical assistance, focusing in particular on issues relating to freedom of association and the right to collective bargaining.
36. *A Government representative of the Republic of Korea* wished to clarify a number of inaccuracies, including one in paragraph 48(iii) of the paper under discussion. She pointed out that Korean legislation concerning trade unions prohibited the unilateral abolition of a collective agreement and that any measure towards that end had to be notified six months in advance by the employer or the trade union. Moreover, contrary to the statement in paragraph 48(iv), the Korean Confederation of Trade Unions (KCTU) could not be considered to have been excluded from the tripartite committee referred to, which was still active, since it had refused to participate in its work. With regard to paragraphs 53 and 71, the fact that the Republic of Korea was unable to ratify Convention No. 105 had nothing to do with maintaining compulsory military service. Moreover, contrary to what was stated in paragraph 71, soldiers received a monthly salary. Finally, she said that since it was workers who had taken part in violent strikes who were liable to imprisonment including forced labour, it should not be concluded that workers participating in peaceful strikes ran the risk of being sentenced to forced labour, as suggested by paragraph 71.

37. *A Government representative of Switzerland* said that her country wanted resources to be strengthened in order to achieve universal ratification of the fundamental Conventions, which were essential to realizing the social dimension of globalization. Even though some countries reported positive changes in the situation, there was a need to avoid submerging the Office and the tripartite constituents under a flood of information which disguised an unwillingness to ratify the eight fundamental Conventions, since that could only harm the spirit of the ILO Declaration on Fundamental Principles and Rights at Work.
38. *A Government representative of Mexico* said that he wished to correct a number of inaccuracies in the paper under discussion. Paragraph 19 should state that the Supreme Court had issued a ruling cancelling two sections of the Federal Labour Act, not overturning an entire law. Paragraph 27 should state that 6,726 collective agreements had been revised, not 60,726. In paragraph 40, it should be added that the Chamber of Deputies was examining draft legislation amending the Federal Labour Act, including proposals relating to freedom of association and collective bargaining, with a view to adoption in the near future. Finally, the speaker asked for his country's name to be withdrawn from the list in paragraph 50, as Mexico had not requested any technical assistance.
39. *A representative of the Director-General* (Executive Director, Standards and Fundamental Principles and Rights at Work Sector) observed that significant progress had been noted with regard to reporting but that much still needed to be done, especially to accelerate the process of ratification of the fundamental Conventions. The comments made by a number of speakers regarding the financial impact of the measures set forth in the paper would be duly taken into account in planning the allocation of resources and the formulation of programmes.
40. The subjects covered in the paper would be dealt with at the June 2012 session of the International Labour Conference and they should be treated with the importance they deserved. Recalling that several speakers had emphasized that Conventions Nos 87 and 98 were the instruments with the least number of ratifications, he said that the Office would endeavour to target its technical assistance activities accordingly. The comments and corrections made by the Government representatives of Korea and Mexico would be duly taken into account.
41. *The Chairperson* said that the Governing Body would ask the Office to establish a mechanism enabling any errors to be rectified in reports before the latter were discussed by the Governing Body.

Outcome

42. *The Governing Body took note of the report and instructed the Office to take into account the views expressed during its discussion.*

(GB.313/INS/3.)

Fourth item on the agenda

The ILO and the multilateral system: ILO preparations for the Rio +20 discussion (GB.313/INS/4)

43. *A representative of the Director-General* (Director, Job Creation and Enterprise Development Department) presented the report and gave an overview of recent developments by means of a PowerPoint presentation. The summit was attracting a great deal of international attention, with 127 Heads of State confirming their attendance. The draft document reflected ILO interests such as the importance of a strong social pillar for sustainable development, decent work, job creation, green jobs and social protection as key elements of sustainable development and a just transition to a green economy, as well as highlighting the need for youth employment opportunities. He suggested possible focus areas for an ILO contribution and asked the Governing Body for guidance as to which items should be emphasized by the Office in the negotiations to select themes for discussion.
44. *The Employer Vice-Chairperson* regretted that there had been no opportunity for the Governing Body to discuss this topic in November 2011. He emphasized its importance for employers to influence the Rio +20 discussions and outcomes.
45. The ILO should keep its focus and maintain its pragmatic and realistic approach. It should use language that was easily understood by other partners in the process and the general public, without recourse to ILO jargon. The Employers' group agreed that employment and entrepreneurship and sustainable enterprise development should be the core of the ILO contribution, with an accent on job creation, training and skills and opportunities for youth. The green economy and green jobs were dependent on the rest of the economy.
46. With regard to the suggestion for the ILO's message, the Employers supported the call for renewed commitment to the negotiations and outcomes. The ILO should send a tripartite delegation to the Rio +20 Conference, rather than just members of the secretariat, to better reflect the views of its constituents.
47. The group agreed that measures were needed to achieve employment, sustainable enterprises, infrastructure and skills development, but employment schemes had to be competitive, sustainable and affordable. However, they were not in agreement with the UNCSD recommendation to encourage nationally agreed targets for green jobs, until an acceptable definition of green jobs had been found. It was too early to discuss a recommendation on social protection floors. Standards already adopted by ILO constituents should provide the basis for the linkage between the social protection floor and the green economy. Encouragement for all countries to ratify and implement relevant labour standards as part of their normative framework for sustainable development should be in line with current ILO action and should not rely on a recommendation from the Rio Summit. The Employers' group also supported the development of enabling policies for making the transition to sustainable development and poverty eradication work for all; this would provide a rich theme of debate for the 2013 ILC. It was important to involve the social partners at all levels. New development goals had to be well defined, measurable and clear to all, without adding bureaucratic burdens.
48. The Employers fully endorsed the need to build member States' capacity and knowledge on labour market trends and developments resulting from the greening of economy and

enterprises. The ILO should report back to the Governing Body on this outcome and the implications of Rio +20, in its November 2012 session.

49. *The Worker Vice-Chairperson* expressed his group's disappointment with certain definitions in document GB.313/INS/4 and the coverage of social protection and just transition. It was important to highlight the connection between social protection and the achievement of sustainable development, as social protection floors would not guarantee just transition sufficiently. On the other hand, just transition had been recognized in the United Nations Framework Convention on Climate Change and was vital for the achievement of the goals set at Rio de Janeiro and Johannesburg, as it allowed workers to benefit from an alternative model for decent work and actively frame it.
50. A democratic and open way to define the issues and indicators of the Sustainable Development Goals should be sought, although not to the detriment of the Millennium Development Goals. An objective for green jobs might be subsumed under a broader goal for decent work which could include unemployment and poverty targets and further commitment by countries to promote green and decent jobs. Although green job targets were also necessary, the document should make it explicit that they were part of a broader commitment to decent work. The speaker also supported the recommendation in the report for governments to reaffirm their commitment to decent work and to use decent work indicators as guidance to measure progress in working conditions.
51. *Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC)*, a Government representative of Brazil affirmed that Rio +20 would provide an ideal opportunity for leaders to renew commitment to sustainable development through a package of initiatives, policies and projects designed to transform economies and reconcile environmental concerns with economic and social needs. Social policies should be inclusive, distribute benefits fairly, boost employment and wages and mitigate the negative effects of economic crises.
52. Stressing the importance of labour in achieving sustainable development, he agreed with the idea expressed in paragraph 19(ii) of the document, that decent work for all should be a foundation of sustainable development. Investment could serve to bolster employment in decent jobs by promoting sustainable activities in strategic and labour-intensive sectors such as agriculture and forestry management. Vocational training could also be given more attention in the Green Jobs Programme, not least for developing countries wishing to draw on the technical expertise of the Office in that area, thereby allowing them to adapt to labour market conditions. Furthermore, the promotion of social dialogue was important in the transition to sustainable models, as it insured social inclusion, economic development and decent job opportunities.
53. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Pakistan expressed his hope that the second Green Jobs report would help to streamline discussions on sustainable development in preparation for Rio +20. ASPAG supported the ILO initiative to make decent work a central component of sustainable development with a focus on creating new jobs and sources of income and mitigating the adverse effects of workers' structural adjustment to sustainable development.
54. He said that ASPAG attached importance to green jobs and that the ILO's tripartism, allowing broad public participation, sharing of technical knowledge and awareness of developments, made it suited to steering discussions and integrating green jobs into national and international frameworks through the Decent Work Agenda. While ASPAG stressed the need for coordination and cooperation, which would assist countries in addressing challenges jointly, the group strongly upheld the principle of addressing the specific needs and circumstances of countries in the fulfilment of national commitments.

ASPAG could therefore not agree without further discussion with the recommendation, in paragraph 19(v), for all countries to ratify and implement labour standards as part of the framework for sustainable development.

55. The ILO should remain associated at all stages of the Rio +20 Conference and offer regular guidance. In the longer term, the ILO should offer more resources and support for transition and capacity building to help developing countries achieve sustainable development and fair globalization.
56. *On behalf of the EU and its Member States*, and also on behalf of Albania, Armenia, Croatia, Iceland, Republic of Moldova, Montenegro, Norway, Serbia, The former Yugoslav Republic of Macedonia, Turkey and Ukraine, a Government representative of Denmark said that the Rio +20 Conference should aim to draw up an ambitious green economy roadmap with emphasis on poverty eradication and social inclusion and including a timetable for goals and actions. The Conference and follow-up should be open and inclusive with the full participation of all relevant stakeholders and social partners. The ILO should participate actively in the Conference so as to deliver its message relative to the Decent Work Agenda, be it regarding social dialogue, the removal of barriers for job creation by entrepreneurs, overcoming the mismatch of skills or other matters. The proposals for Sustainable Development Goals (SDGs) and the outcome of the International Labour Conference might also prove invaluable at Rio +20 but the SDGs should remain coherent with the Millennium Development Goals review process.
57. Employment was the most effective route out of poverty and it was therefore essential for countries to implement core labour standards and the ILO Declaration on Social Justice for a Fair Globalization, and to develop social protection floors adapted to each country. A green economy was an inspiring model of growth and represented a win-win situation for all irrespective of a country's structure and level of development. The private sector, local governments and civil society were crucial to green growth as they contributed to social responsibility and the spread of technology. In that regard, internationally recognized instruments on corporate social responsibility and multinational enterprises, including the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, should be recalled at Rio +20.
58. *Speaking on behalf of the Africa group*, a Government representative of Ghana commended the Office on its work on the Decent Work Agenda, the Global Jobs Pact, on the extensive work carried out since 2008 through the Green Jobs Programme and on the timely submission of an ILO technical contribution thereto. Moreover, the ILO's contribution to the High-Level Panel for Global Sustainability in 2010 had yielded key recommendations for job creation and green and sustainable growth.
59. The United Nations Conference on Sustainable Development would allow the ILO to present the Decent Work Agenda as a prerequisite for a fairer, greener and sustainable globalization and to underscore the importance of social dialogue in the promotion of a green economy. The outcome of the Conference would provide a major opportunity to enhance coherence between environmental, economic and social policies at the national and international levels and put in place a platform on which to broaden the scope of the Millennium Development Goals with a view to formulating Sustainable Development Goals.
60. While African countries remained heavily dependent on natural resources and enjoyed some of the world's highest economic growth rates, they continued to experience extreme poverty and high unemployment. It was therefore necessary for African countries to make a transition to an economy that promoted well-being and social welfare while reducing environmental risk.

61. The ILO had an obligation to ensure that the transition to a green economy created decent jobs and employment opportunities for all and that there was investment in skills training and capacity building. The ILO should continue to advise its constituents and to stress the importance of their involvement in policy-making.
62. *A Government representative of Zambia* said that while sustainable development had been presented as the solution to economic, social and environmental problems in various national and international forums, its principles had not been adequately promoted and implemented. There was a need to promote integrated policies to demonstrate that economic, social and environmental concerns were interrelated. The Government of Zambia considered jobs for young people a priority and attached great importance to education and training as a means of improving their employability.
63. There was potential for broadening the range of issues raised in the document to include the specific role that governments and social partners could play in promoting sustainable development, as well as pertinent issues from previous documents.
64. *A Government representative of France* said that his country attached great importance to ensuring that international programmes related to growth and development had a strong social pillar. He welcomed the ILO's proposals on making strong social commitments, which included identifying themes, adopting resolutions to guarantee social rights such as decent work, green and sustainable employment, social protection, and other fundamental rights.
65. It was expected that the ILO would demonstrate a firm commitment to the preparations for the Conference, to drafting its conclusions and subsequently to providing active follow-up. It was also vital for the Governing Body to devise a "roadmap" with a view to achieving concrete results. Furthermore, green, inclusive growth would only be attainable if the three pillars of sustainable development were afforded equal treatment.
66. *A Government representative of the Bolivarian Republic of Venezuela* said that the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992 and the World Conference on Sustainable Development held in Johannesburg in 2002 had addressed issues of critical importance for humanity. While results were not always encouraging, the commitments made by the various governments should become the guiding principles of public policies. The ILO should use Rio +20 to renew its commitment to sustainable development in the present without compromising the ability of future generations to meet their needs. In that connection, the ILO should avoid using terms such as "green economy" or "green jobs" until they had been formally adopted. Moreover, sustainable development models must promote decent work and social inclusion in the wider context of respect for human rights and the environment. Decent work, as a means of reducing poverty, should underpin efforts to achieve social justice and sustainable development.
67. *A Government representative of the United States* said that the international community must recognize the importance of promoting decent work in achieving sustainable development. Therefore, workers should be equipped with skills that would allow them to make a transition to sustainable development industries. Their fundamental rights and well-being should also be guaranteed along with adequate safety nets to assist those in need. Given the difficulty of defining what made a job "green", the provision encouraging countries to set nationally agreed and attainable targets to increase the share of green jobs in the labour market over time should be amended so as to invite countries to consider setting such targets. Since all jobs could be performed in an environmentally friendly manner, efforts should be devoted to greening work practices across the board.

68. A *Government representative of India* said that the issue of coherence was at an early stage of discussion. The areas in which coherence was sought at the national and international levels should be clearly defined. Moreover, there was a need to clarify the modalities of policy coherence. His Government was against the inclusion of social clauses in trade and investment agreements but was in favour of countries establishing their own social protection floor. Furthermore, a prescriptive approach should not be taken to labour standard compliance, nor should there be any duplication of structures for carrying out work that fell within the ILO's remit. An international qualifications framework should be developed to promote skills and labour mobility. It was important to make the purpose of indicators clear so as to prevent them from becoming a bar to trade, investment and labour mobility. In that connection, the diversity, stage of development and informal economy of the country in question should be taken into account.
69. In India, the action plan on climate change was making satisfactory progress. In addition, the country's next five-year plan would seek to promote environmental protection along with inclusive sustainable growth. Many initiatives had been launched to involve local communities in natural resource management. India was committed to improving the quality of life of its people and encouraged environmental protection through the creation of green jobs.
70. A *Government representative of the Republic of Korea* said that the ILO, in its capacity as a United Nations specialized agency, played a pivotal role in promoting the global Green Economy Initiative and in facilitating the transition to a green economy. The document in question was already quite comprehensive but should emphasize the fact that a green economy could create more decent jobs and offer an alternative to the dominant global paradigm based on technology and capital. The active participation of the ILO in the Conference would serve to highlight its leading role in greening the economy.
71. A *Government representative of Brazil* said that the Conference was about sustainable development and not just the environment. The global economic crisis underscored the need for a new economy based on social inclusion and sustainable production and consumption. Therefore, it was essential to mobilize all stakeholders to ensure a successful economic transition.
72. The world of work had an important role to play in achieving sustainable development. Decent work should be the main objective of social, economic and environmental policies in order to ensure that jobs were generated throughout the supply chain and particularly in strategic and labour intensive sectors. The relationship between companies and suppliers should be governed by the principles of sustainability and decent work, while taking into account local priorities. Social dialogue was essential in pinpointing solutions that would guarantee social inclusion and the creation of decent jobs.
73. It was hoped that the Conference would furnish lasting solutions to global challenges and signal a turning point in the way the world economy operated.
74. A *representative of the Director-General* said that there was consensus on the need to incorporate the pillars of sustainable development effectively and on the need for decent work to form the basis of the outcome document. It was very unlikely that the Conference itself would produce the Sustainable Development Goals, rather it would mandate their formulation. It should be borne in mind that those goals sought to build on the Millennium Development Goals, not to replace them. The importance of dialogue and the participation of relevant stakeholders had been highlighted, as had the need to build the capacity of those stakeholders to enable them to participate in the governance of sustainable development. Nevertheless, there were some areas of disagreement. It was necessary to clarify how the term "just transition" would be used by referring back to the

conclusions on sustainable enterprises reached at the International Labour Conference in 2007 and how ILO standards should be referred to within the existing international governance framework for sustainable development. In addition, given that the issue of social protection floors would have been taken up at the International Labour Conference prior to Rio +20, it would be logical to use Rio +20 to promote a fresh outcome. There would be no further opportunities for formal input and any interventions at future intersessional meetings would be brief. The ILO would continue to participate in side events and the participation of the Director-General himself in the Conference would assist in disseminating relevant messages. The International Labour Conference would provide an opportunity to devise the aforementioned “roadmap” and to discuss matters in greater detail. While the promotion of decent work as a fundamental element of sustainable development was clearly a shared priority, the Office was not involved in the negotiation process. Therefore, the onus was on Government representatives and social partners to ensure that the decent work dimension was adequately reflected in the outcome.

Decision

75. The Governing Body:

- (a) called on the Office to continue its active participation in the preparations for the Rio +20 Conference, as laid out in document GB.313/INS/4;*
- (b) identified the key messages to be stressed in the outcome document of the Conference as including the following: (i) the need for a strong social pillar of sustainable development with decent work as a conceptual framework to integrate the economic, social and environmental pillars and to provide a pathway towards social inclusion and poverty reduction; (ii) the recognition of social dialogue as a major contributor to the governance of sustainable development; this would require capacity-building of stakeholders from the world of work; (iii) the importance of decent work should be reflected in appropriate indicators and in the possible sustainable development goals that the Rio +20 Conference may formulate;*
- (c) called on the Office to anticipate substantial follow-up for the implementation of the Conference outcomes;*
- (d) asked the Office to keep the Governing Body informed about the outcomes of the Conference.*

(GB.313/INS/4, paragraph 20, as amended.)

Fifth item on the agenda

Report and conclusions of the 15th Asia and the Pacific Regional Meeting (GB.313/INS/5)

- 76.** *The Chairperson*, recalling that the 15th Asia and the Pacific Regional Meeting had been postponed following the earthquake and tsunami which had devastated Japan in March

2011, paid tribute to the Government of Japan for hosting the meeting in December 2011 despite the difficult conditions resulting from the natural disaster.

77. *The Regional Director for Asia and the Pacific* said that the 15th Asia and the Pacific Regional Meeting had brought together almost 300 tripartite delegates, representatives of non-governmental organizations, ministers and numerous other participants, reflecting the diversity and the dynamism of the region. The meeting had been the occasion for a mid-term review of the Asia and the Pacific Decent Work Decade 2006-15. Thanks to the work of the tripartite constituents, great progress had been made in establishing DWCPs geared to national priorities in various countries in the region. Efforts had been made in the areas of increasing competitiveness and productivity, strengthening social protection, eliminating child labour and creating youth employment.
78. Nevertheless, the regional meeting had highlighted various challenges that had to be met to address the decent work deficit in the region: the need to promote decent work and productive employment, to strengthen social policies, to pursue the creation of fairer labour markets – especially in terms of gender equality – to strengthen regional cooperation and policy coherence and to take action against informal work. The meeting had also been the occasion for discussing regional partnerships which would benefit from development, especially in the area of green jobs and employment-focused recovery measures to be applied in the event of a natural disaster. The regional meeting had shown that growth had to focus on decent work and fairness in order to progress towards better social protection and greater respect for labour standards. Moreover, a resolution on the trade union situation in Fiji had been adopted at the meeting and it could only be hoped that the recommendations of the Committee on Freedom of Association concerning Case No. 2723 would be implemented.
79. The speaker read out the conclusions in the draft decision (paragraph 209(a) and (b)), on which the Governing Body was invited to act. The Office would take account of the priorities highlighted in the conclusions of the regional meeting in the formulation of programmes and would develop a strategy aimed at monitoring and reporting on progress made in actions related to the Asia and the Pacific Decent Work Decade.
80. In conclusion, the speaker emphasized that the Decent Work Agenda was now embedded in policies implemented in the region, thereby strengthening the ILO's position in the sphere of international cooperation.
81. *The Director-General* paid tribute to the achievements of the Regional Director, Ms Yamamoto, emphasizing that she had successfully promoted the goals of the Organization, which had been given prominence in the Asia and the Pacific Decent Work Decade, while taking account of the needs of the tripartite constituents in the development of programmes for the region, focusing in particular on green jobs, youth employment and migration. Ms Yamamoto had been active in establishing knowledge-sharing initiatives and in fostering the establishment of partnerships with multilateral players in the region, such as the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Association of Southeast Asian Nations (ASEAN). She had shown great professionalism and knowledge of the region's issues in organizing the 15th Asia and the Pacific Regional Meeting.
82. *Speaking on behalf of the Employers' group*, an Employer member from Bangladesh said that the Asia and the Pacific Employers' group had appreciated the cooperation with Ms Yamamoto and her team. The 15th Asia and the Pacific Regional Meeting had allowed the ILO to gain a better perception of the issues in the region, but the ILO's action in that context could have been more strongly linked to the priorities of the region. The Employers' group welcomed the fact that the conclusions of the regional meeting

dwelt on the role of the private sector and recognized the importance of creating a climate that was conducive to business. The Organization should also better integrate the role of enterprises in its action and promote the adoption of more balanced rules that favoured the creation of jobs and growth. The Employers considered that it was essential to encourage productivity and improve skills, as stated in paragraph 33 of the conclusions, and called on the Office to reinforce assistance in that sphere, gearing its policies and measures to the needs of all stakeholders, taking account of the region's diversity.

83. The speaker drew the Office's attention to the fact that the conclusions of the meeting could have been more concise in order to make them more readable. He said that the Office should not make a general practice of having recourse to external moderators since the Office should remain in charge of what should be tripartite discussions.
84. The Employers' group had found the special session on employment policy in response to natural disasters very useful and instructive. Consequently, it proposed placing that issue on the agenda of future sessions of the Governing Body, which would allow constituents' attention to be drawn to the issue and make it possible to take stock of best practices. He also encouraged the ILO to examine why the attendance of certain member States at regional meetings was poor or non-existent and to consider raising the issue in the context of the Governing Body.
85. Finally, the speaker asked what had been the financial impact of the regional meeting, whether the fact that it had been held outside Bangkok had resulted in extra expense and, more generally, whether the holding of meetings outside cities where regional offices were located generated additional costs. Referring to paragraph 63 of the conclusions of the 15th Asia and the Pacific Regional Meeting, he urged the Office to follow up on the undertakings made in Kyoto and to organize activities geared to the priorities of national constituents in the context of DWCPs, in order to achieve the goals of the Asia and the Pacific Decent Work Decade. The Employers' group supported the draft decision.
86. *The Chairperson* took note of the Employer member's comments and questions and assured him that they would be duly taken into account.
87. *Speaking on behalf of the Workers' group*, a Worker member from Fiji emphasized that the meeting had had special significance since it had been held against the background of the devastating tsunami and earthquake and that the manner in which the meeting had been organized was testimony to the resilience of the Japanese people.
88. The meeting had provided an opportunity to focus on a number of important points. The Workers had been concerned at the situation of freedom of association and collective bargaining at the regional level, while also highlighting growing inequality, high unemployment, gender inequality, discrimination towards migrant workers and the low ratification rate for the fundamental Conventions, particularly in the Arab region, by comparison with the rest of the world. Those issues should be taken into consideration in technical cooperation programmes, which should receive the necessary funding and expertise.
89. With regard to the resolution on the trade union situation in Fiji adopted at the meeting, the Workers wished to thank the Employers and the Governments for their support. The trade union rights situation in Fiji had been deteriorating constantly, as borne out by the report of the Committee on Freedom of Association submitted to the Governing Body in November 2011 and the report of the Committee of Experts on the Application of Conventions and Recommendations. The situation was serious and action was needed from the international community, without waiting for the elections that were supposed to take place in 2014. In accordance with the conclusions of the Kyoto resolution, the

Workers called on the Office to follow up on the request from the Committee on Freedom of Association for a direct contacts mission to the country in order to promote dialogue between the Government and the social partners and facilitate the revocation of all decrees that violated human rights or trade union rights or which were contrary to the fundamental standards of the Organization, as well as putting pressure on the Government to withdraw the accusations against the leader of the Fiji Trades Union Congress. The Workers also asked the Office to continue to monitor the situation in Fiji and to submit a report to the Governing Body in November 2012.

90. Finally, the Workers' group, after thanking the Regional Director and conveying its best wishes for her retirement, indicated its support for the draft decision in paragraph 209.
91. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran thanked the Government of Japan and commended the courage and dignity it had shown in the affliction that the country had endured. He also conveyed his best wishes to the Regional Director.
92. He stressed the high level of participation in the meeting on the part of the three groups and commended the choice of discussion themes, the conclusions of which had been especially relevant. For his group, the Social Protection Floor Initiative was very important for combating poverty throughout the world. The Regional Meeting had provided the occasion for reviewing the progress made in the Asia and the Pacific Decent Work Decade and to identify certain factors, including the global economic crisis and natural disasters, which adversely affected decent work programmes in the region. He recalled that 58 per cent of young persons and 45 per cent of all unemployed people in the world lived in the Asia and the Pacific region.
93. With regard to the situation of certain Arab States and the difficulties faced by the social partners in the occupied Arab territories, it was important to give more support to the Beirut office, which was already achieving considerable results. Finally, in view of the numerous natural disasters to which the region was prone, the group welcomed the special session organized by the Government of Japan on employment policy in response to natural disasters.
94. The speaker supported the draft decision and called on the Director-General to ensure the effective implementation of the conclusions of the meeting both at ILO headquarters and in the field.
95. *A Government representative of Japan* expressed his gratitude for the solidarity with the people of Japan which had been expressed at the meeting. The outcomes of the meeting in terms of the promotion of decent work were highly satisfactory and the Government of Japan would continue to collaborate with the ILO in establishing decent work in the Asia and the Pacific region. Employment policies played a vital role in recovery from the frequent disasters that affected the region, as illustrated by the special session on employment policy in response to natural disasters.
96. With regard to Fiji, the speaker stressed the need for genuine dialogue with the Government to ensure that free and fair elections were held no later than 2014. He supported the Workers' proposal that the Office should continue its work and report to the Governing Body on the situation in Fiji in November 2012. In conclusion, he echoed the thanks and good wishes that had been expressed to the Regional Director.
97. *A Government representative of India* considered that the lessons learned from the 15th Asia and the Pacific Regional Meeting would play a vital role in job creation. Employment and poverty reduction had to be at the focus of economic strategies. The

developing countries of Asia and the Pacific were the drivers of economic growth and development, and the exchange of ideas and experiences was very important in that respect. He recalled that his country had just organized the IBSA (India/Brazil/South Africa) International Conference, with technical assistance from the ILO, aimed at building capacity and sharing knowledge, the ultimate goal being inclusive and equitable growth linking employment and social protection.

98. India had established active labour market policies focusing both on wage employment and self-employment, and it was gradually moving from a needs-based social security programme to a rights-based approach. The speaker supported the draft decision.
99. A *Government representative of Australia* endorsed the statement made by ASPAG. He supported the resolution on the trade union situation in Fiji and the ILO's efforts, and launched a further appeal to the Government to take the necessary steps to hold free and fair elections.
100. A *Government representative of Zambia* expressed his appreciation of the report and its conclusions. He expressed his concern at the situation in Fiji, especially with regard to the application of Conventions Nos 87 and 98, and supported the Workers' proposal.
101. *The Director-General* said that the Office had noted the request from the Workers' group and would proceed accordingly, submitting a report on the situation to the November 2012 session of the Governing Body.
102. A *Government representative of Germany* emphasized the fact that the situation of Fiji was difficult and he asked the Office to do everything possible to ensure that the recommendations made by the Committee on Freedom of Association were put into practice.

Decision

103. *The Governing Body requested the Director-General:*

- (a) *to draw the attention of the governments of member States of the Asia and the Pacific region and, through them, that of their national employers' and workers' organizations, to the conclusions adopted by the 15th Asia and the Pacific Regional Meeting;*
- (b) *to take these conclusions into consideration when implementing current programmes and in developing future programme and budget proposals;*
- (c) *to transmit the text of the conclusions:*
 - (i) *to the governments of all member States and, through them, to national employers' and workers' organizations;*
 - (ii) *to the international organizations concerned, including international non-governmental organizations with consultative status.*

(GB.313/INS/5, paragraph 209.)

Sixth item on the agenda

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

(GB.313/INS/6, GB.313/INS/6(Add.) and GB.313/INS/6(Add.2))

104. *The Ambassador of the Republic of the Union of Myanmar, His Excellency Mr Maung Wai*, confirmed that his country was committed to good governance, transparency, accountability, the creation of a harmonious society and socio-economic reforms. These reforms were beginning to take shape but were impeded by international economic sanctions. He suggested that the time was right to review those sanctions in order to facilitate foreign investment and create job opportunities.
105. The Government of Myanmar had been in office for one year, during which time it had taken a number of constructive measures including the release of more than 28,000 prisoners and the enhancement of the political process to include a wider participation of political parties in the forthcoming by-elections on 1 April 2012. The Ambassador stated that the elections would be free and fair and that international and regional observers would be invited. Furthermore, his Government placed high emphasis on the rights and well-being of workers, and was taking measures to protect investments coming into the country. The newly adopted Labour Organizations Law allowed for the establishment of labour organizations.
106. The Supplementary Understanding between the Government of Myanmar and the International Labour Organization had been extended for one year, to 25 February 2013. Forced labour had never been a policy in Myanmar and the Government was engaged in constructive cooperation with the ILO to bring about its elimination. Myanmar was committed to justice and accountability. The Ward or Village Tract Administration Act had been adopted by Parliament, repealing the Village and Towns Act of 1907. Recognizing the urgent need to criminalize forced labour, the Ward or Village Tract Administration Law was amended on 23 March 2012 to reflect recommendations made by the ILO and bringing the definition of forced labour into line with the Forced Labour Convention, 1930 (No. 29). The processes for implementing the law were being developed and suggestions made by the ILO would be taken into consideration, where appropriate.
107. A Memorandum of Understanding, recording an agreement for developing a joint strategy for the elimination of forced labour by 2015, had been signed by the Government of Myanmar and the International Labour Organization. A joint working group to implement the strategy would be established, consisting of representatives nominated by the Government and the ILO.
108. The ILO high-level mission to Myanmar had been consulted on the redrafting of the Prisons Act, in order to bring it into line with the Forced Labour Convention, 1930 (No. 29) and other international labour standards. The high-level mission had also been briefed on the measures that were being taken to prevent the recruitment of under-age children, such as awareness-raising activities and distribution of brochures. Under-age recruitment was a high priority for the Government; action was being taken against perpetrators and the minors released. The Government placed great importance on the protection of the rights of peasants and could report that the cases in the Magwe region had been resolved. An amnesty of prisoners had been granted and certain individuals in

respect of whom the ILO had expressed concern had been released. Following a request made by the Governing Body, the visa for international staff member of the Liaison Office had been approved.

109. The Government had made good progress on the reform process and the promotion of workers' rights. In light of the considerable developments and taking into account its constructive cooperation with the ILO, it was no longer appropriate to place an item on Myanmar on the agenda of every ILO meeting; the time had come to review past ILO resolutions concerning the country.
110. *The Worker Vice-Chairperson* regretted that although progress was being made, 14 years had passed since the Governing Body expressed its views on forced labour in Myanmar, and the Government had as yet failed to bring an end to the practice. The observations made by the Committee of Experts, concerning the non-observance by Myanmar of Convention No. 29, was a crucial aspect that could not be ignored. The long-awaited changes in the country, although welcome, did not yet include the immediate elimination of all forms of forced labour.
111. He regretted that during the repeal of the Villages and Towns Act of 1907, ILO advice had not been taken into account. Amendments had eventually been made, but he remained concerned that the attitude of the Government of Myanmar was not one of collaboration with the ILO. The Committee of Experts had confirmed the continued and widespread practice of forced labour, particularly by the military. There had been increased use of forced labour in several states and no specific instructions had been issued to either the military or the population as a whole. The ILO had not received any information regarding the punishment of perpetrators of forced labour under section 374 of the Penal Code. Only a handful of cases had so far been prosecuted, however, the Workers' group noted the changes to the legislation and were awaiting further developments with interest.
112. The Workers' group welcomed the extension of the Supplementary Understanding for a further year. However, emphasis should be put on measures to prevent forced labour and strengthening the Liaison Office. The group welcomed the release of certain union activists but noted that 11 of them were still imprisoned or unaccounted for.
113. The group welcomed the three-year Memorandum of Understanding on the development of a joint strategy for the elimination of all forms of forced labour in Myanmar by 2015, agreed between the Government and the ILO. However, they insisted that the Government must adopt measures for the immediate elimination of forced labour and that all ILO programmes and activities should contribute to that goal. Awareness-raising and training activities should be based on Convention No. 29, the recommendations of the Commission of Inquiry and the comments of the Committee of Experts. The joint strategy must refer to the legal penalties for the extraction of forced labour. The Workers' group expected that their comments as well as the viewpoints of the Federation of Trade Unions of Burma (FTUB) and the international trade union movement, would be taken into consideration when developing the joint strategy, which should be completed no later than 31 May 2012.
114. Finally, while the Workers' group considered it was premature to place an item on the Conference agenda to review the resolution adopted by the 88th Session of the ILC (2000), it was prepared to review the measures contained in paragraphs 3(b) and (c) of the resolution adopted by the 87th Session of the ILC (1999) and agreed to the inclusion of an agenda item on that issue for the June 2012 session of the Conference.
115. *The Employer Vice-Chairperson* said that the Government of Myanmar had made positive progress over the years. The Memorandum of Understanding was welcome; however,

forced labour persisted. Meanwhile, a consistent approach to civilian and military authorities nationwide was needed. Human rights and labour rights defenders should not come under pressure and those in custody should be released. Respect for the rules and principles of the international community in respect of forced labour could be demonstrated by ending impunity. The involvement of the Liaison Office in specific actions and in case and situation analyses should continue. The group wished to know how the Liaison Office planned to accomplish its technical cooperation missions and monitoring tasks and asked for a clear map of the situation.

- 116.** The group urged the Government to clarify the situation and the steps taken concerning forced labour exacted for military causes in certain territories. The evolution of the democratization process should be accompanied by demonstrable improvements with regard to forced labour; separate rules should not apply to the military sector. The group requested information on penalties imposed on military personnel who had violated Convention No. 29. The proposal contained in paragraph 29 of document GB.313/INS/6 should be included on the International Labour Conference agenda. A more holistic vision was required, that encompassed the desire for enhanced cooperation between the Government and the Office on forced labour and recognized the need to accelerate the democratization process.
- 117.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the group welcomed the positive developments in Myanmar in respect of Convention No. 29 since November 2011 and encouraged the Government to continue with its reform agenda, including efforts to eliminate forced labour.
- 118.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Denmark said that Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Serbia, The former Yugoslav Republic of Macedonia and Ukraine had aligned themselves with the statement, which was also supported by Norway. The EU welcomed recent developments in Myanmar, in particular the signature of the Memorandum of Understanding, which remained to be followed by implementation and full compliance with the Convention. It had taken note that forced labour was henceforth explicitly prohibited by law and underscored that the military must cease to exact it in practice, with immediate effect. Constructive dialogue with the ILO on that issue must continue and the Government of Myanmar must continue to take effective steps to prosecute those who violated Convention No. 29.
- 119.** The EU urged the Government to continue its awareness-raising activities, including the distribution of information brochures in the relevant languages. It called for the swift, unconditional release of all remaining political prisoners and invited the Government to consult with all stakeholders to that end. Moreover, it encouraged the authorities to facilitate the work of the Liaison Officer and to avail itself of the assistance of the ILO to eliminate forced labour nationwide. The EU acknowledged the progress achieved and urged the Government to continue to expand its efforts. It supported discussion at the meeting of the Conference in June 2012 of the resolution adopted by the ILC in 1999.
- 120.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Viet Nam said that the group welcomed recent developments and gave its full support to the Government of Myanmar's efforts to promote democratic reform and protect workers' rights. It encouraged the Government to seek assistance from the international community, including the ILO, to overcome the remaining challenges and called on the international community to support the democratization process in Myanmar. The Liaison Officer's contribution to raising awareness and sharing good practices were highly appreciated.

121. A *Government representative of Japan* said that his Government appreciated the dedication of the ILO secretariat to improving the situation with regard to forced labour in Myanmar. In addition, it welcomed Myanmar's acceptance of the high-level visit by the ILO, its extension of the Supplementary Understanding and its signature of the Memorandum of Understanding, which should result in a sound practical strategy and implementation. Furthermore, it welcomed the amendment of the Ward or Village Tract Administration Act in line with Convention No. 29 and took note with appreciation of the positive action taken to grant visas to ILO staff. However, numerous challenges remained. It was hoped that the Government of Myanmar would fully implement the relevant legislation on forced labour and continue to raise awareness, including through the translation of brochures on the complaints mechanism into minority languages.
122. A *Government representative of Thailand* said that his delegation aligned itself with the statement of ASEAN. His country welcomed the political developments in Myanmar and its observance of the Convention, and commended its commitment to constructive dialogue with the ILO. The extension of the Supplementary Understanding, the signature of the Memorandum of Understanding and the amendments introduced to the Ward or Village Tract Administration Act were particularly positive steps. The granting of visas to ILO staff to facilitate the increased workload of the Liaison Office further reflected the Government of Myanmar's commitment to the reform process. His country wished Myanmar to continue such practices and for its observance of Convention No. 29 to be phased out as a standing agenda item. Its recent decision to invite international observers and the media to observe the April by-elections was most welcome. Although challenges remained, the international community should foster an enabling environment for dialogue and cooperation. His country supported the call for economic sanctions on Myanmar to be lifted, so that it could make social and economic progress.
123. A *Government representative of Cambodia* said that his delegation associated itself with the statement of ASEAN. Considerable progress had been made and steps taken to promote democratic reform, improve working conditions, increase freedoms and eliminate forced labour. His delegation welcomed Myanmar's continued cooperation with the Liaison Officer and the continued commitment of the ILO to provide it with technical support and assistance; Myanmar should continue to engage with and seek assistance from the international community, including the ILO, to further the democratization and development process.
124. A *Government representative of Switzerland* noted the encouraging progress made in recent months, notably the extension of the Supplementary Understanding. Her delegation hoped that the dialogue and cooperation would continue and that the Memorandum of Understanding would result in a consolidated strategy. The time was ripe for the Government of Myanmar to consider with the ILO how to expand its mandate in the field, to promote direct contacts. The Conference might wish to review the measures it had adopted to secure compliance by Myanmar with the recommendations of the Commission of Inquiry at its meeting in June 2012.
125. A *Government representative of Canada* said her Government welcomed Myanmar's commitment to democratic reform and the release of political prisoners, while continuing to call for the unconditional release of all such prisoners. It also welcomed the signature of ceasefires with several non-state armed groups and urged all parties to seek to resolve long-standing conflicts and respect the rights of local populations. Forced labour continued to be exacted, particularly in conflict areas. Government efforts to raise awareness of forced labour, develop new governance and accountability structures and provide training to police and others in order to eliminate that practice were welcome. The extension of the Supplementary Understanding and the signature of the Memorandum of Understanding represented significant progress. Her delegation encouraged the authorities

to continue to support the Liaison Officer by granting visas to staff and called on the Government to take more proactive and preventive measures to eliminate forced labour.

- 126.** A *Government representative of India* said that his delegation appreciated the recent progress with regard to Myanmar's observation of the Convention and cooperation with the ILO. The promulgation of the Ward or Village Tract Administration Act, which effectively prohibited forced labour, was highly significant as were government efforts to draft new prisons legislation. His country commended the efforts of the Director-General of the ILO to assist Myanmar in tackling forced labour and urged the Government to remain firmly engaged.
- 127.** In view of Myanmar's considerable progress, India concurred that its compliance with the Convention should not remain as a standing agenda item at ILO meetings.
- 128.** A *Government representative of Australia, also speaking on behalf of New Zealand*, said that both countries appreciated the dedicated work of the Liaison Office in Myanmar and the improvements it generated on the ground. They welcomed the extension of the Supplementary Understanding, in particular as the military continued to exact forced labour. The Government initiative to develop a joint strategy with the ILO demonstrated its commitment to the elimination of forced labour, as did the signature of the framework Memorandum of Understanding by both the Ministry of Labour and the Ministry of Defence. The amendment of the Ward or Villages Tract Administration Act to expressly prohibit forced labour was commendable. It remained for the authorities to meet their obligations under the amended domestic legislation and Myanmar's international obligations. Australia and New Zealand encouraged the Government of Myanmar to adopt the recommendations of the ILO on the implementation of revisions to the Prisons Act, including the *Jail Manual*, to make full use of the Liaison Office and to honour its commitment to grant visas to Liaison Office international staff.
- 129.** While the release of political prisoners in recent months, particularly of the labour activists referred to by name in the conclusions of the Governing Body in November 2011, had been a positive development, a number of them were still incarcerated and should be granted unconditional release without delay. The Government of Myanmar should ensure that democratic norms were followed during the April elections. In that connection, the invitation extended by the Government of Myanmar to international observers was most welcome and all such observers, including journalists, should be afforded unrestricted access during their visit. The use of forced labour in conflict situations, as well as human rights abuses, remained a serious problem. While the signing of preliminary ceasefire agreements by several armed groups was a positive development, the Government of Myanmar should continue its efforts to end long-standing ethnic conflicts.
- 130.** The effective implementation of the new legislation would be critical in determining whether the Government of Myanmar had complied with all the recommendations made by the 1998 Commission of Inquiry. In that connection, there were concerns that the current mandate of the ILO Liaison Officer prevented him from doing more to assist the Government of Myanmar. Therefore, the Governing Body should include an item on the Organization's mandate in Myanmar on the agenda of the next International Labour Conference.
- 131.** A *Government representative of China* said that the adoption of the Ward or Village Tract Administration Act, the joint strategy to eliminate all forms of forced labour, the release of individuals imprisoned as a result of complaints of forced labour, the punishment of military personnel for the recruitment of minors and the extension of the Supplementary Understanding until February 2013 were all positive developments. The fact that the

Government of Myanmar had adopted legislation and prosecuted perpetrators of forced labour was a sure sign of its commitment to eliminating the practice. The agenda of the International Labour Conference should therefore include a review of the situation concerning the 1999 resolution. In addition, discussions on lifting the sanctions imposed on Myanmar should begin as soon as possible.

- 132.** *A Government representative of the Bolivarian Republic of Venezuela* said that the ILO high-level mission that had visited the country in January 2012 had witnessed first-hand the progress achieved by the Government of Myanmar in eliminating forced labour. It was hoped that the extended Supplementary Understanding and the Memorandum of Understanding would pave the way for further progress. The agenda of the International Labour Conference should include a review of the measures adopted to ensure compliance with the recommendations made by the Commission of Inquiry, and the issue of the Government's observance of Convention No. 29 should no longer feature as a permanent agenda item for the Governing Body.
- 133.** *A Government representative of the United States* said that recent developments had provided the Government of Myanmar with a clear legal basis for eliminating the practice of forced labour. In reference to the three recommendations made by the 1998 Commission of Inquiry, the adoption of the Ward or Village Tract Administration Act addressed the issue of bringing legislative texts into line with Convention No. 29 and constituted the first step towards enforcing criminal penalties for exacting forced labour. The Government of Myanmar should now focus on imposing the penalties provided for in the new law.
- 134.** Despite the many positive developments referred to in the report of the ILO Liaison Officer, military personnel continued to use forced labour in conflict areas and often recruited minors. While efforts to raise awareness about basic worker rights had increased, they were insufficient for a country that was home to over 50 million people. There was little awareness of worker rights in some areas and the number of prosecutions for using forced labour was limited.
- 135.** The Memorandum of Understanding signed between the Government of Myanmar and the ILO represented a new avenue for addressing the long-standing issue of forced labour and set out a strategy that would allow the Government to tackle the problem effectively. The 13 action items included all the issues raised by the Governing Body. However, the fact remained that significant resources would be required to implement the strategy successfully. Moreover, there was a need to raise the awareness of Government and military officials about the existence of the law and its enforcement.
- 136.** *A Government representative of the Russian Federation* said that the new legislation aimed at eliminating forced labour was a welcome development and that the Government should proceed to release all remaining prisoners, to eradicate the recruitment of minors by military personnel and to penalize all perpetrators of forced labour. The extension of the Supplementary Understanding and the signing of the Memorandum of Understanding constituted important steps towards eliminating the practice of forced labour by 2015. The situation in Myanmar should be removed from the agenda of the Governing Body by means of an appropriate review at the International Labour Conference.
- 137.** *A Government representative of Cuba* said that the legislative reform process aimed at restoring the legal system and aligning domestic legislation with Convention No. 29 was of great importance. Furthermore, forced labour had been defined in domestic legislation for the first time. A provision of the Constitution expressly prohibited forced labour and allowed the Criminal Code to be applied to perpetrators of the practice.

138. In addition, it was necessary to move forward with the joint strategy to eliminate all forms of forced labour by 2015 and to ensure continued cooperation between the Government of Myanmar and the ILO with a view to achieving the objectives set out in Convention No. 29.
139. *The Ambassador of the Republic of the Union of Myanmar* informed the Governing Body that, as evidence of the commitment of the highest ranking military officials to ensuring compliance with civilian laws, the Commander in Chief of the armed forces had recently reminded all military personnel of their obligation to respect not only military laws but also civilian laws.

Conclusions

140. *The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Republic of the Union of Myanmar and the subsequent discussion. In light of the debate, the Governing Body:*
1. *Welcomes the important and positive developments in Myanmar since the 312th Session of the Governing Body (November 2011) and in particular the further extension of the Supplementary Understanding (SU) and the adoption of legislation repealing the Village and Towns Acts of 1907 defining forced labour and providing for the criminal prosecution of perpetrators.*
 2. *Further welcomes the initiative of the Government, including the defence services, in formalizing its commitment to develop a comprehensive, proactive, joint strategy with the ILO for the full elimination of all forms of forced labour by 2015. In so doing, it is emphasized that immediate effective measures are required and that every effort should be made to meet that objective earlier. The intention to maintain ongoing direct cooperation between the defence services and the ILO in this regard is an important part of the process as all sectors of the Government must respect the new legislation.*
 3. *Whilst recognizing that these represent major steps towards meeting the recommendations of the Commission of Inquiry, notes that both the strict application of the new law and the prosecution and appropriate punishment of those who may violate it are critical to achieving the objective and as such should be built into the proposed strategy. This new strategy should be accompanied by a high-level public commitment to its implementation and to full compliance with Convention No. 29.*
 4. *Notes the importance of ensuring that policy coverage and application encompasses the entire territory of Myanmar including border areas in context of achieving sustainable peace agreements.*
 5. *Notes the information concerning the prosecution of some perpetrators and encourages the Government to maintain a process based on preventative education/awareness, the full application of the law and accountability by*

way of criminal prosecution of perpetrators as a means for combating impunity.

- 6. Welcomes the expansion of awareness-raising activities including the availability of the joint Government/ILO brochure in the Myanmar language and four other national languages and looks forward to further translations and their wide distribution.*
- 7. Welcomes also the recent release from prison of a further number of labour activists and seeks the immediate unconditional release of all remaining imprisoned labour activists and prisoners of conscience.*
- 8. Urges the Government to avail itself of the technical assistance of the Office including in further consultation in the drafting of relevant legislation.*
- 9. Expresses its appreciation for the work of the Office and especially of the Liaison Officer and his small dedicated team and re-emphasizes the need to strengthen and expand the Liaison Office capacities including through the provision of adequate resources, the Government's expeditious approval of necessary visas on request and the engagement of local focal points for the strengthening and support of community networks.*
- 10. Strongly encourages the Government and the people of Myanmar to continue their ongoing democratization efforts and emphasizes in that regard the need for full respect of human rights and international standards.*
- 11. Decides to place on the agenda of the 101st Session of the International Labour Conference (June 2012) an additional item enabling a review of measures previously adopted by the Conference to secure compliance by Myanmar with the recommendations of the Commission of Inquiry.*
- 12. Finally it requests the Officers of the Governing Body to undertake a mission to Myanmar and to report to the Conference on all relevant issues with a view to assisting its consideration of that review.*
- 13. The total cost of the above mission, estimated at US\$58,000, will be financed in the first instance from savings in Part I of the budget or, failing that, through Part II of the budget.*

(GB.313/INS/6, GB.313/INS/6(Add.) and GB.313/INS/6(Add.2).)

Seventh item on the agenda

Complaint concerning non-observance by 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 (GB.313/INS/7 and GB.313/INS/7(Add.))

141. *The Worker Vice-Chairperson* said that the Labour Organizations Law, adopted in October 2011, had entered into force in March 2012 and had created a legal framework that would allow trade unions to be registered and to operate freely. While the Government had released a number of union activists imprisoned for trade union activities, there was still a general lack of compliance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Moreover, the Labour Organizations Law did not fully protect the rights guaranteed under the Convention. The Committee of Experts had carried out a preliminary review of the Labour Organizations Law but had not reviewed the implementing rules, as they were in draft form at the time. However, it did note some areas in which the Labour Organizations Law failed to comply with Convention No. 87. Furthermore, it appeared that various orders and decrees affecting the exercise of freedom of association still remained in force, including Order No. 2/88, Order No. 6/88, the Unlawful Association Act, Declaration No. 1/2006 and the 1929 Trade Disputes Act. The Committee of Experts had once again called on the Government of Myanmar to repeal those orders and decrees in 2012 and, in the case of the 1929 Trade Disputes Act, a new law had been submitted to Parliament but it was unknown whether it had been ratified. As a result, the framework regulating bargaining, dispute settlement and strikes might not enter into force for quite some time. The Workers' group was also concerned that while the Labour Minister had assured ITUC representatives that the FTUB could register and operate freely, it had not yet repealed Declaration No. 1/2006.
142. The group could not yet comment on the impact of the new legislation on the exercise of freedom of association. It was expected that applications for registration submitted previously would be approved as soon as possible and that registered unions would be able to operate freely without interference from the Government or employers. However, to date, no union had been registered. While a number of union activists had been released, the fact remained that others were still imprisoned or their whereabouts were unknown. As yet there was no evidence to show that the principles of freedom of association were respected in Burma. Given those circumstances, the Workers' group requested the Governing Body to defer the decisions on the establishment of a Commission of Inquiry until the November 2012 session.
143. In the meantime, the Government of Myanmar should work with the Office to consolidate the position of the Liaison Officer, possibly through recruiting additional personnel to promote respect for Convention No. 87 and to assist the Government and social partners in applying the law on freedom of association. They should also report on the registration process, especially in the case of the FTUB, address the inconsistencies of the Labour Organizations Law, release those activists who were still imprisoned and build the capacity of unions in Myanmar. In addition, the Bureau for Workers' Activities (ACTRAV) and the Office should become involved in educating all parties concerned.

- 144.** *The Employer Vice-Chairperson* said that the working methods of the ILO Liaison Officer should take into account the most recent developments regarding the law that had entered into force in March 2012. The law would serve as a blueprint for determining how the registration process would work and the access of the social partners would have to such information. The Employers' group was not in favour of appointing a Commission of Inquiry and suggested broadening the mandate of the ILO Liaison Officer to enable him to deal with matters related to Convention No. 87 and to address concerns related to employment and Convention No. 29, and fostering close technical cooperation among the parties concerned in anticipation of the cultural shift that the democratic exercise of freedom of association would produce. Both ACTRAV and the Bureau for Employers' Activities (ACT/EMP) had a part to play in fostering technical cooperation, especially in view of the need to promote tripartism in Myanmar and the positive results such initiatives had yielded in the past. Progress would have been achieved only when there was respect for both the law and the fundamental rights regarding forced labour.
- 145.** Lastly, he sought clarification on how the Office would communicate the follow-up to the issue of registration, given the need to determine the extent to which the registration of trade unions was a testament to the exercise of freedom of association in practice.

Decision

- 146.** *The Governing Body, welcoming the important developments which have occurred since its last consideration of this matter in November 2011:*
- (a) *decided to defer to its 316th Session (November 2012) a decision on the appointment of a Commission of Inquiry;*
 - (b) *in the meantime, welcoming the Government's stated commitment, expressed its firm expectation that the Government will facilitate the strengthening and expanded capacity of the ILO Liaison Office, including through the approval of visa applications for new staff to foster and monitor the environment necessary for the effective implementation of the Labour Organization Law and its implementing Rules in a manner which is in full conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). To this end, the Governing Body urged that intensive technical cooperation and a full-fledged awareness-raising campaign begin immediately on the new legislative framework and international standards and principles in the area of freedom of association for all relevant stakeholders, including workers, employers, their representatives, and public officials (such as registrar officials, judges, police and the armed forces).*

(GB.313/INS/7, paragraph 8, as amended, and GB.313/INS/7(Add.).)

- 147.** *The Ambassador of the Republic of the Union of Myanmar* said that his country stood ready to cooperate with the ILO and that he endorsed the decisions taken, even if they did not entirely meet his Government's expectations. It was his firm hope that, from 2013, the Myanmar question would no longer appear as a standing issue on the agenda of the Governing Body.

Eighth item on the agenda

Report of the high-level tripartite mission to the Bolivarian Republic of Venezuela

148. *The Chairperson*, recalling that the issue had been placed on the agenda for information, informed the Governing Body that the tripartite mission would take place in October 2012.

Ninth item on the agenda

Reports of the Committee on Freedom of Association (GB.313/INS/9)

149. *The Chairperson of the Committee* said that, of the 172 cases before the Committee, 38 had been examined on their merits. As regards Cases Nos 2726, 2847 and 2861 (Argentina), 2765 (Bangladesh), 2863 (Chile) and 2712 (Democratic Republic of the Congo), the Committee had observed that, despite the time which had elapsed since the submission of the complaints, it had not yet received the observations of the governments concerned, and had requested them to transmit their observations as a matter of urgency.
150. Concerning the follow-up given to its recommendations, the Committee had noted with satisfaction that, of the 21 cases in which governments had kept it informed of the measures taken to give effect to its recommendations, it had noted with satisfaction or interest positive developments in eight of them: Cases Nos 2433 (Bahrain), 2355 (Colombia), 2463 (Iraq), 1991 (Japan), 1865 (Republic of Korea), 2591 (Myanmar), 2669 (Philippines) and 2611 (Romania). In the case concerning Japan, the Committee had expressed satisfaction at the fact that a solution had been found to the long-standing dispute. In the case of the Republic of Korea, the Committee had welcomed the introduction of trade union pluralism at the enterprise level. In the case of the Philippines, it had noted with interest the signing of a Manifesto of Commitment between the Department of Labor and Employment, the labor sector and the Armed Forces. Lastly, in the case concerning Myanmar, the Committee had welcomed the information provided by the Government, according to which the six workers detained had been released and the legal framework necessary for exercising the right to freedom of association was now in place.
151. The Committee had desired to draw the attention of the Governing Body to three cases that it considered serious and urgent: Cases Nos 2761 (Colombia), 2609 (Guatemala) and 2254 (Bolivarian Republic of Venezuela). The Colombian case concerned allegations of murder, attempted murder and death threats, and arbitrary arrests. The Committee had taken note of the information provided by the Government on its efforts to combat impunity and violence, but had observed that investigations had been launched into only some of the acts referred to in the complaint. It trusted that such investigations would make it possible to shed light on the facts and punish the culprits, and had urged the Government to launch judicial investigations into those cases that had yet to be examined.
152. In the second serious and urgent case, Case No. 2609 (Guatemala), concerning allegations of murder, attempted murder, assault, death threats, kidnappings, harassment and intimidation, and blacklisting, the Committee had recalled that trade union rights could

only be exercised in a climate that was free of violence, pressure or threats, and had urged the Government to conduct independent inquiries into all pending cases and to ensure that they were concluded without delay so that the perpetrators were duly punished.

153. The last serious and urgent case, Case No. 2254 (Bolivarian Republic of Venezuela), concerned a complaint presented by the International Organisation of Employers (IOE) and the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) involving allegations of marginalization and exclusion of FEDECAMARAS from social dialogue, acts of discrimination and intimidation, legislation at odds with civil liberties and the rights of employers' organizations and their members, violent assault on the FEDECAMARAS headquarters, and the temporary abduction of three of its leaders, including Ms Albis Muñoz, Employer member of the Governing Body. The Committee had once again urged the Government to establish, with ILO assistance, a joint national committee to examine all pending allegations and issues with a view to resolving problems through direct social dialogue.
154. *The Employer spokesperson* said that, during the current session, the Committee had dealt with an exceptionally large number of cases concerning Latin American countries. That development was not a new one, but one which warranted deeper reflection by the Committee, the Office and the Governing Body. Another development that the Employers considered worrying was the appearance of cases concerning human resources management issues, which should be dealt with through national administrative or legal channels. Case No. 2875 (Honduras) was an example of that tendency, and also of another trend towards grouping a series of unrelated complaints against a variety of enterprises or national entities into a single case. If such cases became more common, the Committee might have to look at its procedures again to ensure that single cases dealt only with related matters.
155. Case No. 2254 (Bolivarian Republic of Venezuela) remained deeply concerning for the Employers, who observed that the Government had failed to implement many of the recommendations made by the Committee during its March 2010 session. Indeed, the Government was now seeking to deny officials of the employers' organization private property rights. The Employers underlined the serious nature of the issues raised and emphasized the fact that the Government's promises had remained empty words.
156. Cases Nos 2743 (Argentina) and 2609 (Guatemala) raised interesting issues about the nature of investigations called for by the Committee. The Committee regularly asked governments to conduct investigations; in some cases, that might mean the relevant labour inspection services. If a Government was acting in its capacity as an employer, an independent investigation was routinely requested. Case No. 2867 (Plurinational State of Bolivia) showed that the authorities should not impede collective bargaining by engaging in violence or by coercion of non-strikers. In Case No. 2684 (Ecuador), which was a legislative case, a technical cooperation mission had taken place.
157. In a number of cases, the Committee had welcomed the actions taken by governments to implement its recommendations; Case No. 2751 (Panama) was one such. It was important to recognize that legislative progress had been made.
158. Case No. 2888 (Poland) raised an important issue of principle about the scope of Conventions. The Committee had clearly stated that self-employed workers and those working under civil contracts had the right to form and join organizations of their own choosing.
159. Case No. 2704 (Canada) dealt with a legislative matter that had recently been subject to a ruling by the country's Supreme Court. The Committee had welcomed the findings of the

Supreme Court that agricultural employers had the duty to consider employee representations in good faith, but had considered that the protection of the Convention went further and that collective bargaining implied an ongoing engagement that recognized the voluntary nature of collective bargaining and the autonomy of the parties.

- 160.** In Case No. 2780 (Ireland), the Employers were pleased that the Government had taken steps to secure the view of the Irish employers in responding to the complaint. They wished to make two observations about the case: first, a certain number of factual disputes could not be resolved by the Committee; and second, they wished to draw the Governing Body's attention to the way in which the Committee had separated the enterprise issue from the broader legislative issue. The Committee had also recognized that tripartite social dialogue on social issues had yielded positive results in Ireland and had sought to utilize that goodwill in reviewing the existing framework.
- 161.** In conclusion, the Employer members supported the adoption of the report of the Committee on Freedom of Association and called on governments to respond constructively to the recommendations made, especially in regard to the serious and urgent cases.
- 162.** *The Worker spokesperson* highlighted the positive atmosphere in which the session had been conducted. Nevertheless, he expressed both regret that consideration of several cases had been delayed because of the late submission of information by governments, and concern that certain governments had once more failed to respond to the Committee's requests, or had only responded in part. The situation was particularly worrying with regard to Cases Nos 2655 (Cambodia) and 2753 (Djibouti), which had been under consideration for many years without any progress being made, and Cases Nos 2609 and 2768 (Guatemala) and 2714 (Democratic Republic of the Congo).
- 163.** The Committee had examined several serious and urgent cases. Case No. 2761 (Colombia) involved numerous allegations of murders of trade union members and officials.
- 164.** Case No. 2609 (Guatemala) was also deeply worrying, as the Government had provided only partial information, while a large number of murders, attempted murders, assaults, death threats and kidnappings had been alleged. The Workers called on the ILO community to urge the Government to take every step to put an end to the situation as soon as possible.
- 165.** In Cases Nos 2809 (Argentina), 2850 (Malaysia), 2752 (Montenegro) and 2751 and 2868 (Panama), the Workers noted that lengthy procedures existed for recognizing trade unions, and that there was interference at odds with true respect for the right to freedom of association. The Committee had repeatedly and properly recalled that everything should be done to ensure that trade union members dismissed as a result of their union activities should be reinstated. In Case No. 2875 (Honduras), the allegations concerned the dismissal of entire executive committees.
- 166.** Case No. 2807 (Islamic Republic of Iran) was important from the point of view of the principles of freedom of association because it raised the issue of delegations to the International Labour Conference and had been examined by the Conference's Credentials Committee.
- 167.** The Committee had examined various cases of restrictions on the right and freedom to bargain collectively and had been obliged to remind the governments concerned of their obligations. In several cases, the restrictions were accompanied by allegations concerning

on the right to strike, which was indivisible from the effective right to bargain collectively.

168. With regard to Case No. 2704 (Canada), the Committee had recalled that agricultural workers should be able to exercise their rights fully and effectively without risk of sanction.
169. Case No. 2684 (Ecuador) concerned in particular the right to bargain collectively in the public sector.
170. In Case No. 2780 (Ireland) the Committee had called for collective bargaining to be strengthened and promoted in line with the principles of freedom of association in response to the attitude of a large air transport enterprise, which appeared to be turning restrictions on the right to bargain collectively into a form of economic management.
171. The Workers welcomed the positive developments in Cases Nos 2177 and 2183 (Japan).
172. Case No. 2854 (Peru) concerned respect for the right to strike in the ports sector. The Workers highlighted the contradiction between the Government's invocation of the obligation to ensure minimum services and the fact that it had taken a decision, without prior consultation, to privatize the enterprises in question.
173. With regard to Case No. 2789 (Turkey), the ILO had been calling for the existing, very restrictive, legislation to be revised for several years.
174. Cases Nos 2786 (Dominican Republic), 2602 (Republic of Korea) and 2888 (Poland) reminded governments of the fact that the right to bargain collectively applied to self-employed workers, workers employed by sub-contracting enterprises, and domestic workers.
175. The Workers emphasized the fact that, very often, the Committee asked governments to investigate the allegations contained in complaints. Such requests reflected the need for governments, who were responsible for ensuring effective respect for the principles of freedom of association and collective bargaining and who had the means to conduct the necessary investigations, to supply all the relevant material.
176. Lastly, the Workers also highlighted the developments mentioned in several cases examined during the session.
177. *Speaking on behalf of GRULAC*, a Government representative of Brazil reaffirmed the importance that GRULAC attached to the activities of the Committee on Freedom of Association and the priority that governments in the region accorded to respecting freedom of association and collective bargaining.
178. As on previous occasions, he expressed concern at the number of cases before the Committee that originated in his region, which accounted for 23 out of 37, or 62.1 per cent, of those currently under consideration.
179. He recalled that freedom of association and the activities of the social partners were valued highly by the States of the region and, at the same time, gave rise to the largest number of cases. In that regard, it was regrettable that the admissibility criteria which the Committee ought to respect were not always met.
180. In fact, in many cases, the Committee decided to examine complaints without any proof from the complainants; what was more, it transferred the burden of proof by asking

governments for information and evidence that they obviously did not possess. Governments were therefore left unable to defend themselves in the face of the Committee's requests.

181. He reminded the Committee of the universal principle of law that the accuser should provide proof. GRULAC could not accept any failure on the part of the Committee to respect that principle. Furthermore, various cases and situations examined by the Committee were being or could be remedied through national administrative or judicial channels, as neither the allegations nor the complexity thereof justified action by the ILO.
182. Equally, in some cases, the Committee presented complaints without taking account of the realities of the region or the legal systems in force in different countries; such complaints were impossible to resolve satisfactorily.
183. He observed that the Committee often examined and reached conclusions on issues that did not fall strictly within its competence, even giving views on issues relating to the criminal and judicial spheres, among others.
184. The excessive ease and willingness with which complaints were judged to be admissible had a direct influence on the credibility, efficiency and quality of any work that the Committee might undertake in the Latin American and Caribbean region. Given the importance that GRULAC attached to the Committee as a body to monitor the application of standards, he wished to share its concerns with the Governing Body in order to avoid the Committee's actions losing their importance through lack of respect for clear and rigorous procedures. Consequently, and with all due respect, he called on the Committee to abide by the admissibility criteria for complaints, confine itself strictly to its mandate, observe the universal principle of the burden of proof, and respect the legal systems of the countries concerned.
185. In conclusion, he invited the Committee to act in a more balanced and objective manner with regard to the countries of his region, so that the number of cases concerning Latin America and the Caribbean would increase no further.

Decision

186. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–237, and approved the recommendations made in paragraphs: 247 (Case No. 2660: Argentina); 261 (Case No. 2702: Argentina); 278 (Case No. 2743: Argentina); 289 (Case No. 2809: Argentina); 312 (Case No. 2837: Argentina); 361 (Case No. 2867: Plurinational State of Bolivia); 377 (Case No. 2792: Brazil); 387 (Case No. 2655: Cambodia); 401 (Case No. 2704: Canada); 437 (Case No. 2761: Colombia); 467 (Case No. 2602: Republic of Korea); 486 (Case No. 2753: Djibouti); 508 (Case No. 2786: Dominican Republic); 539 (Case No. 2819: Dominican Republic); 573 (Case No. 2684: Ecuador); 619 (Case No. 2609: Guatemala); 644 (Case No. 2768: Guatemala); 663 (Case No. 2811: Guatemala); 694 (Case No. 2875: Honduras); 705 (Case No. 2740: Iraq); 722 (Case No. 2807: Islamic Republic of Iran); 815 (Case No. 2780: Ireland); 852 (Cases Nos 2177 and 2183: Japan); 877 (Case No. 2850: Malaysia); 899 (Case No. 2828: Mexico); 922 (Case No. 2752: Montenegro); 950 (Case No. 2751: Panama); 1010 (Case No. 2868: Panama); 1045 (Case No. 2854: Peru); 1065 (Case No. 2856: Peru); 1087 (Case No. 2888: Poland); 1097 (Case No. 2714: Democratic Republic of the Congo); 1132 (Case No. 2789: Turkey); 1156 (Case No. 2892: Turkey); 1201 (Case*

No. 2839: Uruguay); 1240 (Case No. 2876: Uruguay); 1358 (Case No. 2254: Bolivarian Republic of Venezuela), and approved the 363rd Report of the Committee on Freedom of Association in its entirety.

(GB.313/INS/9.)

Tenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.313/INS/10)

187. *The Employer Vice-Chairperson supported the draft decision and invited the Office to ensure that meetings were held soon so that a specific proposal could be submitted to the November session of the Governing Body.*

Decision

188. *The Governing Body requested the Office to convene meetings of the Geneva-based tripartite consultative group, in order to develop a plan of work, including time frames, and to present an updated document that takes into account the interventions made during the 313th Session (March 2012) of the Governing Body, for the consideration of the next meeting of the Working Party in November 2012.*

(GB.313/INS/10, paragraph 28.)

Eleventh item on the agenda

Chairperson's summary report of the Working Party on the Social Dimension of Globalization (GB.313/INS/11)

189. *The Chairperson recalled that the document submitted was simply a reminder of the main points raised in the discussion that had taken place on the role that the ILO could play to stave off the threat of a renewed crisis.*

190. *Speaking on behalf of the Africa group, a Government representative of Algeria recalled that the Africa group had stressed, during the discussion, the need to reform the international monetary system to ensure a more equitable and just globalization. It had also requested a follow-up mechanism for the Global Jobs Pact.*

Outcome

191. *The Governing Body took note of the report.*

(GB.313/INS/11.)

Twelfth item on the agenda

Report of the Director-General (GB.313/INS/12)

Obituary

Decision

192. *The Governing Body invited the Director-General to convey its condolences to the CUT and to the family of Ms María Rozas Velásquez.*

(GB.313/INS/12, paragraph 7.)

193. *The Governing Body took note of the information contained in the report.*

Second Supplementary Report: Follow-up to Governing Body decisions (GB.313/INS/12/2)

194. *The Chairperson* invited the Governing Body to comment and provide guidance on the format of the report.

195. There was broad agreement in the Governing Body that the format of the report was efficient and clear and that it was a useful tool.

196. *The Worker Vice-Chairperson* said that future reports should be more concise and focus on salient developments between reporting dates. They should highlight follow-up action taken and could mention certain categories of specific information.

197. *Speaking on behalf of the Africa group*, a Government representative of Kenya said her group encouraged the use of the current simplified report format.

198. *Speaking on behalf of the group of industrialized and market economy countries (IMEC)*, a Government representative of Switzerland said that her group proposed the inclusion of an additional column on obstacles to the implementation of decisions and sought clarification with regard to the criteria for the inclusion of decisions in the report. Future reports should contain decisions requiring follow-up action from the current Governing Body session and those that remained to be followed up from the previous session.

Decision

199. *Further to the decision adopted within the framework of the reform package, the Governing Body requested the Office to prepare for its March and November sessions a Supplementary Report on the follow-up to its previous decisions, taking into account the guidance provided in March 2012 concerning the format of future reports.*

(GB.313/INS/12/2, paragraph 4.)

Third Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by Japan of the Private Employment Agencies Convention, 1997 (No. 181), made under article 24 of the ILO Constitution by the Japan Community Union Federation (GB.313/INS/12/3)

Decision

200. The Governing Body, in light of the Committee's conclusions set out in document GB.313/INS/12/3:

- (a) approved the report;*
- (b) invited the Government to take due note of all the matters raised in the Committee's conclusions as well as the measures requested in paragraphs 38, 41, 42 and 43 of the report and to provide a detailed report this year under article 22 of the ILO Constitution in respect of the Private Employment Agencies Convention, 1997 (No. 181);*
- (c) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the matters raised in the report with respect to the application of Convention No. 181;*
- (d) decided to make the report publicly available and closed the procedure initiated by the representation of the Japan Community Union Federation alleging non-observance by Japan of Convention No 181.*

(GB.313/INS/12/3, paragraph 44.)

Fourth Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by Peru of the Seafarers' Pensions Convention, 1946 (No. 71), made under article 24 of the ILO Constitution by the Autonomous Confederation of Peruvian Workers (CATP) (GB.313/INS/12/4)

Decision

201. The Governing Body, in light of the conclusions set out in paragraphs 24 to 40 of document GB.313/INS/12/4:

- (a) approved the report;*
- (b) requested the Government to:*

- (i) *take the necessary measures to ensure that the contributions of fishers were effectively equivalent to no more than half of the cost of the pensions payable under the scheme, in any circumstances, in accordance with Article 3(2) of Convention No. 71;*
 - (ii) *proceed to the payment of the benefits owed that were still awaiting payment by the Fishers' Benefits and Social Security Fund (CBSSP) as soon as possible;*
 - (iii) *continue, once the process of the dissolution and liquidation of the CBSSP had been completed, to secure the maintenance of a scheme for the payment of pensions that was in compliance with the requirements of the Convention both in terms of the collective financing and the guaranteed rate of pension benefits and, in this regard, keep the Office informed of any further developments regarding the adoption of the draft text to replace Bill No. 4506-2010-PE;*
 - (iv) *ensure that full effect was given to the ruling of the Transitional Civil Chamber of the Supreme Court of Justice of 24 November 2009; and*
 - (v) *take all necessary measures to ensure that the rate of the pensions paid to any of the former employees of the Peruvian Steamship Company (CPV) who had been seafarers and had completed a prescribed period of sea service was in all cases at least equal to the rate resulting from the application of the minimum replacement rate determined by Article 3(1)(a) of Convention No. 71, if necessary by revising the ceiling applicable to such pensions;*
- (c) *invited the Government to provide, in a report to be submitted for examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session, detailed information on measures adopted to give effect to the above recommendations; and*
- (d) *declared closed the procedure initiated by the representation of the Autonomous Confederation of Peruvian Workers (CATP) alleging non-observance by Peru of Convention No. 71.*

(GB.313/INS/12/4, paragraph 41.)

Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Peru of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the General Confederation of Workers of Peru (CGTP)
(GB.313/INS/12/5)

Decision

202. *The Governing Body, in the light of the conclusions set out in paragraphs 26 to 35 of document GB.313/INS/12/5:*

- (a) approved the report contained in the abovementioned document;*
- (b) requested the Government to ensure that technical, economic and environmental feasibility studies were conducted with the cooperation of the indigenous peoples concerned, in accordance with Article 7(3) of Convention No. 169. The Committee expressed the hope that the legislative progress made in the country would enable the indigenous peoples to be involved as soon as possible in the decision-making processes concerning legislative or administrative measures that were liable to affect them directly;*
- (c) decided to publish the report and declared the present procedure closed.*

(GB.313/INS/12/5, paragraph 36.)

Sixth Supplementary Report: Documents submitted for information only
(GB.313/INS/12/6)

Decision

203. *The Governing Body took note of the information contained in the documents listed in the appendix.*

(GB.313/INS/12/6, paragraph 4.)

Thirteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution (GB.313/INS/13/1)

204. *The Chairperson*, introducing the document under consideration, proposed that the decision point (paragraph 9(a)) should be amended to read: “to suspend consideration in its current session pending completion (and submission) of the Government’s and Director-General’s reports to the Governing Body in its 316th session in November 2012”. He explained that the amendment was the result of consultations between the Officers of the Governing Body, the Government of Bahrain and Bahraini workers’ and employers’ representatives.
205. *The Worker Vice-Chairperson* expressed satisfaction at the positive developments in Bahrain and the reinstatement of hundreds of dismissed workers. The Workers’ group welcomed the tripartite agreement signed by the various stakeholders, in the expectation that it would enable pending problems to be solved, especially with regard to reinstating those workers still suspended. The issue of compensation was of the greatest importance and should be examined with care. The Workers’ group supported the point for decision, as amended.
206. *The Employer Vice-Chairperson* welcomed the Office’s prompt reaction in the matter and the efforts of the various parties that had allowed a tripartite agreement to be reached.
207. *A Government representative of Egypt* welcomed the efforts made by Bahrain to abide by the principle of non-discrimination and encouraged it to continue and strengthen its cooperation with the ILO.
208. *A Government representative of India*, taking note of the updated information in the appendices to the report under consideration by the Governing Body, commended Bahrain for its efforts to foster a climate of trust and fairness while dealing with the issues raised in the complaint. Given the substantial progress that had been made, the establishment of a Commission of Inquiry under article 26 of the ILO Constitution would constitute a duplication of the efforts currently under way at the national level.
209. *The Chairperson* clarified that the proposal before the Governing Body was to suspend all consideration of the complaint.

Decision

210. *The Governing Body, on the recommendation of its Officers and based on the elements put forward:*

- (a) *suspended consideration in its current session pending completion (and submission) of the Government's and Director-General's reports to the Governing Body in its 316th Session in November 2012;*
- (b) *requested the Government to continue to provide reports on the effective implementation of the Tripartite Agreement signed by the tripartite constituents of Bahrain on 11 March 2012 and to report to the Governing Body at its 316th Session (November 2012) on the progress made to fully implement its provisions;*
- (c) *requested the Director-General to write to the Government, the General Federation of Bahrain Trade Unions (GFBTU) and the Bahrain Chamber of Commerce and Industry (BCCI) welcoming the significant progress made and inviting them to continue in this positive direction; and*
- (d) *requested the Director-General to take the necessary measures to provide all the technical assistance required by the tripartite constituents, if requested by the Government or the workers' or employers' representatives, to ensure the effective implementation of the Tripartite Agreement and to report to the Governing Body at its 316th Session (November 2012) on the progress made.*

(GB.313/INS/13/1, paragraph 9, as amended.)

211. A Government representative of Bahrain thanked the Office and tripartite constituents for the support they had given his Government to overcome the negative consequences of the regrettable events that had occurred in 2011. With that support, tripartite agreement had been reached in his country on the reinstatement of workers who had been dismissed in violation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the resumption of trade union activities. The same tripartite cooperation would be deployed to deal with all remaining problems in that regard, preserving all parties' rights and ensuring a healthy and productive working environment for the well-being of both workers and employers. The King had emphasized the importance of decent work for all citizens, particularly in view of their key role in the country's development. Bahrain would continue to honour its obligations under the conventions to which it was a party and to implement labour standards. The Government would strive to combat discrimination, uphold trade union and workers' rights and bring local legislation into line with international labour standards.

Second report: Timing of the Governing Body sessions

(GB.313/INS/13/2)

212. *Speaking on behalf of the Africa group*, a Government representative of Kenya noted that the aim of the proposed change to the timing of the Governing Body sessions was to facilitate the Governing Body reform package. Given that the purpose of the reforms was to promote institutional effectiveness and efficiency and on the understanding that the proposed meeting dates did not coincide with other meetings and that there were no budgetary or cost implications, the Africa group supported the point for decision in paragraph 9 of the document currently before the Governing Body.

213. *Speaking on behalf of the Government group*, a Government representative of Sudan said that, in view of some of the information in the document under consideration, his group requested additional time for consultation.
214. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that, while he fully supported the reasons for holding the Governing Body meeting in October, it had become apparent that the list of meetings in the appendix to the document under consideration was incomplete. Several other high-level meetings were held in October, such as the Working Group on the Universal Periodic Review of the United Nations Human Rights Council and the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action. He therefore suggested that the Officers might wish to ensure that they had complete and accurate information at their disposal before taking any decisions.
215. *The Chairperson* said that, to date, the focus had been on the executive bodies that habitually met in October. Nonetheless, with the agreement of the Officers, the Governing Body could indeed defer consideration of that item. The Office could verify the information it had received and place the item on the agenda of the June session of the Governing Body for further discussion, in the light of any additional findings.
216. *Speaking on behalf of IMEC*, a Government representative of Canada suggested that consideration should also be given to changing the timing of the meeting of the Board of the Turin Centre, which normally took place immediately before the November session of the Governing Body. IMEC would also welcome clarification of whether there were any costs associated with moving the session from November to October. She noted that those issues could also be addressed at the forthcoming session of the Governing Body.
217. *The Director-General* drew attention to the fact that, if the draft decision in the document under consideration was eventually adopted, there would still be only 18 weeks between the October and March sessions of the Governing Body, with 28 weeks separating the March and October sessions. He therefore suggested that, when the item was discussed again, the number of agenda items and consequently the number of documents requested should be apportioned appropriately.

Decision

218. ***The Governing Body postponed until its 315th Session (June 2012) the adoption of a decision on this agenda item.***

(GB.313/INS/13/2, paragraph 9.)

Third report: Representation alleging non-observance by France of the Labour Inspection Convention, 1947 (No. 81), submitted under article 24 of the ILO Constitution by the “SUD Travail-Affaires sociales” trade union
(GB.313/INS/13/3)

Decision

219. The Governing Body decided that the representation was receivable and established a committee for its examination.

(GB.313/INS/13/3, paragraph 5.)

Fourth report: Request by the Government of the Kingdom of Bhutan to send an observer delegation to attend the 101st Session of the International Labour Conference
(GB.313/INS/13/4)

Decision

220. The Governing Body, on the recommendation of its Officers, authorized the Director-General to issue an invitation to the Government of the Kingdom of Bhutan to send an observer delegation to attend the 101st Session of the International Labour Conference (Geneva, 30 May–15 June 2012).

(GB.313/INS/13/4, paragraph 3.)

Fifth report: Withdrawal of regional consultative status from the International Confederation of Arab Trade Unions (ICATU)
(GB.313/INS/13/5)

Decision

221. The Officers of the Governing Body decided that the Governing Body would not consider this agenda item.

(GB.313/INS/13/5, paragraph 4.)

**Sixth report: Procedures for the election
of the Director-General
(GB.313/INS/13/6)**

Decision

222. The Governing Body decided:

- (a) *that the ballot for the election of the Director-General would be conducted at a private sitting of the Governing Body;*
- (b) *that immediately after that sitting, a public sitting would be convened to allow the public announcement of the results of the ballot, including the possibility for the Director-General-elect to address the Governing Body;*
- (c) *that, in the framework provided by article 2.1.1bis and 2.2.1bis of the Standing Orders of the Governing Body, the Chairperson, in agreement with the two other Officers, would conduct appropriate consultations for the organization of the sitting of 28 May 2012.*

(GB.313/INS/13/6, paragraph 2.)

**Seventh report: Conditions of appointment
of the Director-General
(GB.313/INS/13/7)**

Decision

223. The Governing Body decided that the remuneration and conditions of employment of the Director-General should consist of the following elements:

- (a) *a net base salary equal to that of the Administrator of UNDP;¹*
- (b) *Geneva post adjustment as determined by the International Civil Service Commission;²*
- (c) *a representation allowance of 40,000 Swiss francs (CHF) per year;*
- (d) *a housing allowance, covering rent and fixed charges, of a maximum of CHF12,000 per month;*
- (e) *all other allowances and benefits accruing to staff members in the Professional and higher categories in accordance with the Staff Regulations of the ILO;*

¹ Currently US\$156.760 at single rate and \$176.272 at dependency rate.

² Currently 101.5 per cent of the net base salary.

- (f) *participation in the United Nations Joint Staff Pension Fund (UNJSPF) at the pensionable remuneration rate applicable to the Administrator of the UNDP³ or the supplement for pension arrangements applicable to ungraded officials in the UN common system who decide not to participate in the UNJSPF (UNGA resolution 47/203).*

224. *The amounts mentioned in (c) and (d) above may be adjusted from time to time by the Officers of the Governing Body to take account of inflation or other factors related to local circumstances at the duty station. The Governing Body shall be informed of any such adjustment.*

(GB.313/INS/13/7, paragraph 3.)

Fourteenth item on the agenda

Composition and agenda of standing bodies and meetings

(GB.313/INS/14)

Committee of Experts on the Application of Conventions and Recommendations

New appointments

Decision

225. *The Governing Body, on the recommendation of its Officers and in order to fill two of the four vacant seats, appointed the following persons as members of the Committee of Experts on the Application of Conventions and Recommendations for a period of three years:*

- *Dr Dierk Lindemann (Germany);*
- *Justice Francisco Pérez de los Cobos Orihuel (Spain).*

(GB.313/INS/14, paragraph 1.)

³ Currently \$352,123.

101st Session of the International Labour Conference (Geneva, 30 May–15 June 2012)

Invitation of intergovernmental organizations

226. The Governing Body noted that, in addition to the intergovernmental organizations for which standing arrangements, approved by the Governing Body, provided for their automatic invitation to the International Labour Conference, its Officers had authorized the Director-General to invite the following intergovernmental organizations and institutions to be represented at the Conference as observers:

- Asia–Pacific Economic Cooperation (APEC);
- African Regional Labour Administration Centre (ARLAC);
- Central African Economic and Monetary Community (CAEMC);
- Centre Arabe pour l’Administration du Travail et de l’Emploi (ACLAE);
- Centre régional africain d’administration du travail (CRADAT);
- Commonwealth;
- Inter-American Development Bank (IDB);
- International Association of Economic and Social Councils and Similar Institutions (IAESCSI);
- International Committee of the Red Cross (ICRC);
- Latin American Economic System (SELA);
- North American Free Trade Agreement (NAFTA);
- Nordic Council (NC);
- Nordic Council of Ministers (NMR);
- Organisation of the Islamic Cooperation (OIC);
- Organization for Security and Co-operation in Europe (OSCE);
- Secretariat of the Pacific Community (SPC);
- West African Economic and Monetary Union (WAEMU);
- World Trade Organization (WTO).

Tripartite Meeting of Experts on Labour Statistics on the Advancement of Employment and Unemployment Statistics (Geneva, 28 January–1 February 2013)

Composition

Decision

227. The Governing Body approved the composition formula for this Meeting, which would be attended by 12 Government experts, nominated after consultations with Governments, six Employer experts nominated after consultation with the Employers' group, and six Worker experts nominated after consultation with the Workers' group of the Governing Body; the experts nominated should be well acquainted with the items of the agenda.

228. The Governing Body took note that, in order to obtain the government nominations, the Director-General intended to approach the Governments of: Brazil, France, India, Ireland, Morocco, Mexico, New Zealand, Philippines, South Africa, Switzerland, Uganda and United States; a reserve list would also be established which would include the Governments of: Colombia, Mauritius, Norway, Turkey and Spain.

(GB.313/INS/14, paragraph 6.)

Agenda

Decision

229. The Governing Body, on the recommendation of its Officers, approved the proposed agenda of two interrelated topics for the Meeting, as follows:

- Revision of the international standards on statistics of the economically active population, employment, unemployment and underemployment.*
- Measures of labour underutilization to supplement the unemployment rate.*

(GB.313/INS/14, paragraph 8.)

Invitation of intergovernmental organizations

230. The Governing Body noted that, in addition to the intergovernmental organizations for which standing arrangements, approved by the Governing Body, provided for their automatic invitation to the Meeting, its Officers had authorized the Director-General to invite the following intergovernmental organizations and institutions as observers:

- Asian Development Bank (ADB);
- Economic and Social Commission for Western Asia (ESCWA);

- Economic and Social Commission for Asia and the Pacific (ESCAP);
- Economic Commission for Latin America and the Caribbean (ECLAC);
- Economic Commission for Africa (ECA);
- Inter-American Development Bank (IADB);
- International Monetary Fund (IMF);
- Observatoire Economique et Statistique d’Afrique Subsaharienne (AFRISTAT);
- Statistical Office of the European Union (EUROSTAT);
- United Nations Economic Commission for Europe (UNECE);
- United Nations Statistics Division (UNSD);
- World Bank (WB);
- World Trade Organization (WTO).

19th International Conference of Labour Statisticians (Geneva, 2–11 October 2013)

Composition

Decision

231. The Governing Body, on the recommendation of its Officers, approved the composition formula for this Conference. According to the established practice for International Conferences of Labour Statisticians, the governments of all member States would be invited to nominate participants who would attend at the expense of their respective governments; it was expected that a great majority, if not all, would be statisticians. In addition, the Director-General proposed to invite three experts nominated by the Employers’ group of the Governing Body and three nominated by the Workers’ group. The experts nominated should have adequate knowledge to enable them to participate actively in the Conference.

(GB.313/INS/14, paragraph 13.)

Agenda

Decision

232. *The Governing Body, on the recommendation of its Officers, approved the proposed agenda for this Conference as follows:*

- *General report on past and planned statistical activities of the ILO and on the functioning of the ICLS.*
- *Revision of the international standards on statistics of the economically active population, employment, unemployment and underemployment, including measures of labour underutilization to supplement the unemployment rate.*

233. *The Governing Body took note that the reports prepared by the Office would examine concepts, statistical definitions and measurement methods and, except for the general report, would provide a draft resolution for examination and adoption by the Conference.*

(GB.313/INS/14, paragraph 16.)

Invitation of intergovernmental organizations

234. The Governing Body noted that, in addition to the intergovernmental organizations for which standing arrangements, approved by the Governing Body, provided for their automatic invitation to the Conference of Labour Statisticians, the Officers of the Governing Body had authorized the Director-General to invite the following intergovernmental organizations and institutions as observers:

- Africa Union Commission (AUC);
- Andean Community of Nations (CAN);
- Arab Institute for Training and Research in Statistics (AITRS);
- Asian Development Bank (ADB);
- Economic and Social Commission for Western Asia (ESCWA);
- Economic and Social Commission for Asia and the Pacific (ESCAP);
- Economic Commission for Latin America and the Caribbean (ECLAC);
- Economic Commission for Africa (ECA);
- Inter-American Development Bank (IADB);
- International Monetary Fund (IMF);
- Interstate Statistical Committee of the Commonwealth of Independent States (CIS);
- Observatoire Economique et Statistique d’Afrique Subsaharienne (AFRISTAT);

- Secretariat of the Pacific Community (SPC);
- Statistical Office of the European Union (EUROSTAT);
- United Nations Economic Commission for Europe (UNECE);
- United Nations Statistics Division (UNSD);
- West African Economic and Monetary Union (UEMOA);
- World Bank (WB);
- World Trade Organization (WTO).

Invitation of international non-governmental organizations

Decision

235. *The Governing Body decided to defer the decision to invite the International Confederation of Arab Trade Unions (ICATU) to be represented at the 19th International Conference of Labour Statisticians as an observer until such a time as the Governing Body might be able to review the status of the Confederation in greater detail.*

(GB.313/INS/14, paragraph 18, as amended.)

236. *The Worker Vice-Chairperson* denounced the recent attacks against the National Union of Workers of Mali (UNTM). It had been reported that the office of the general secretary had been set on fire and that the general secretary himself had been temporarily placed under arrest, which constituted a serious violation of freedom of association. The Workers' group of the Governing Body expressed its solidarity with the UNTM and with the entire trade union movement of Mali and called on the Governing Body to express its concern and to invite the Malian authorities to respect trade union and human rights.

Tributes to the Director-General

237. *The Chairperson* invited the Governing Body to pay tribute to the Director-General of the ILO, who was participating at a Governing Body session for the last time.

238. He reviewed the highlights of the Director-General's time in office, making reference in particular to: Decent Work, which had become a central feature of development programmes across the globe; the establishment of the World Commission on the Social Dimension of Globalization, in the aftermath of the 1998 crisis; the ILO Declaration on Social Justice for a Fair Globalization, 2008; and the Global Jobs Pact of 2009. He also mentioned the international labour standards adopted during the Director-General's time in office (the Maritime Labour Convention, 2006; the Domestic Workers Convention, 2011 (No. 189); and the HIV and AIDS Recommendation, 2010 (No. 200)), which, he said, were groundbreaking developments.

239. Thanks to Mr Somavia's dynamism, the ILO and the issues it addressed (labour, employment and social issues) featured more prominently than ever before in global

debate and on the international agenda. Mr Somavia had been one of the first leaders to call for greater policy coherence at the national and international levels and had been instrumental in promoting South–South cooperation as a new development model.

240. The Chairperson also welcomed the implementation of the ILO's Strategic Policy Framework, aimed at turning decent work into a reality through tripartism and social dialogue, which were the hallmarks of the Organization. He also welcomed the reform of the Governing Body and the forthcoming reform of the International Labour Conference, which could also be credited to Mr Somavia.
241. On behalf of the Governing Body, the Chairperson thanked the Director-General for having made the ILO a more vibrant organization that was better equipped to face current problems.
242. *The Employer Vice-Chairperson* welcomed the Chairperson's initiative, likening it to a family gathering in view of the prevailing friendly atmosphere in the Governing Body.
243. He drew attention to the balance that Mr Somavia had struck between the importance given to the Decent Work concept on the one hand, and the promotion of sustainable enterprises on the other. He would remember Mr Somavia as a man who had garnered the support of the Employers in implementing tripartism effectively and who had successfully brought together the positions of the Employers, Workers, Governments and civil society. In that regard, he mentioned the interest that had surrounded the establishment of the World Commission on the Social Dimension of Globalization.
244. In terms of challenges, he mentioned the 2008 Declaration, which had come about because of the trust that Mr Somavia had built in the debate between the Employers, Workers and Governments. He also referred to the responsiveness shown by the Office when the global economic crisis had broken out, by adopting recommendations in record time and changing the agenda of the International Labour Conference in order to place the crisis at the centre of the discussions.
245. The Global Jobs Pact owed a lot to the tenacity of Mr Somavia, who had made great efforts to ensure that the Employers and Workers reached a consensus. Mr Somavia had also been successful in reforming the Governing Body and in setting in motion the reform of the International Labour Conference, urging the Organization to reinvent itself. The speaker thanked the Director-General for his contribution to the ILO and trusted that Mr Somavia, who was leaving the Organization with his head held high, would continue his efforts to protect the rights of workers and for the benefit of all, even after his departure.
246. *The Worker Vice-Chairperson* said that a great deal had been achieved at the ILO in 13 years. Even prior to his appointment, Mr Somavia had started his efforts to achieve a more coherent and focused Office. A significant number of reforms had been made in the early period of his mandate. The Office had been reorganized and priorities had been set, which the Director-General saw as being essential.
247. In the late 1990s, the Organization had focused its activities on the impact of globalization and free trade, the regulation of financial markets, employment security and income inequalities. In response to those concerns, the Director-General had worked to establish the World Commission on the Social Dimension of Globalization, highlighting that globalization had to be managed by governments and international organizations to ensure that it produced benefits for all and not just for a small elite. There was no doubt that the lasting legacy of Mr Somavia was the Decent Work concept, which captured in two words all the values, principles and standards promoted by the ILO. Through that concept,

Mr Somavia had garnered the support of different stakeholders at both the national and international levels.

- 248.** *The Workers' group* also welcomed the Director-General's commitment to the issue of gender equality, among other issues, which had led to the adoption of new international labour standards (the Maternity Protection Convention, 2000 (No. 183); the Maritime Labour Convention, 2006; the HIV and AIDS Recommendation, 2010 (No. 200); the Domestic Workers Convention, 2011 (No. 189); and the Employment Relationship Recommendation, 2006 (No. 198)). Mr Somavia's vision, dynamism and creativity had enabled the ILO to respond to the global financial crisis (through the Global Jobs Pact), but had also enhanced the Organization's standing at the international and global levels, as a result of which it had been able to place the issue of employment on the agendas of forums such as the G20, the International Monetary Fund, the World Bank and the United Nations.
- 249.** The ILO Declaration on Social Justice for a Fair Globalization was also of great significance for the Workers, both because of the notion that the four strategic objectives of the ILO were "inseparable, interrelated and mutually supportive" and because it was a clear re-endorsement that the ILO's mandate was based on tripartism, as originally set out in the Philadelphia Declaration, and that its ultimate objective was to promote social justice.
- 250.** The Workers' group thanked Mr Somavia wholeheartedly for the work he had done on behalf of workers over the past 13 years, and for the solidarity and support he had shown to the trade union movement.
- 251.** *Speaking on behalf of the Group of the Americas (GRUA)*, a Government representative of Brazil expressed deep gratitude to the Director-General for all that he had accomplished, and paid tribute to his many qualities and merits. His most notable achievement was to have secured the universal recognition of the Decent Work concept, which placed the individual at the centre of concerns. Under his guidance, the ILO had taken on an influential role in global governance, notably because of the authority conferred by its tripartite structure. The adoption of the Global Jobs Pact in response to the crisis – another of Mr Somavia's accomplishments – highlighted the importance that needed to be given to the human being against a backdrop where banks were omnipotent.
- 252.** In conclusion, and referring to the work of the poet Pablo Neruda, who had stated that "*la tierra se llama Juan*" ("the Earth is called Juan"), which could be understood to mean that it was workers, personified as "Juan", who made the Earth what it was, the speaker drew a parallel by saying that "*la OIT se llama Juan*" ("the ILO is called Juan"), in other words, it was thanks to Juan Somavia that the ILO was what it was today.
- 253.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran paid tribute to the many qualities of the Director-General. He recalled that Mr Somavia had been the first representative of the southern hemisphere to head the Organization and had gradually introduced a new course and a new culture to the ILO, leading it and galvanizing it through the past two decades of cyclical, financial and economic crisis and placing it firmly on the world map.
- 254.** As part of his relentless commitment to do more with less, Mr Somavia had endeavoured to strengthen internal governance, introduce strategic budgeting and results-based management, promote improvements in information technology, mobilize extra-budgetary resources and promote gender equality at all levels of the Organization, including the highest grade posts.

255. Decent Work, fair globalization, social justice and safeguarding the fundamental principles and rights at work, in particular those of the Arab workers of the region, Palestine and occupied Arab territories, could be counted among Mr Somavia's achievements. On behalf of his own Government (Islamic Republic of Iran), the speaker thanked the Director-General for the footprint he would leave in people's hearts and emphasized the sincere friendship between them.
256. *Speaking on behalf of the EU and its Member States*, a Government representative of Denmark congratulated the Director-General on having positioned the ILO as a valuable, competitive organization. It was now the leading international policy-making body on labour market and social protection issues. Under his guidance, it had become an organization that constantly renewed its capacity to provide the highest quality research and information, provided effective, relevant and competent services to constituents and stakeholders, and strongly advocated its own ideals and principles, as enshrined in the ILO Constitution, the Declaration of Philadelphia and the Declaration on Fundamental Principles and Rights at Work. Mr Somavia had also ensured that development and gender had become cross-cutting issues across the Organization. The EU shared the Director-General's belief that lasting peace could only be secured through regional and international cooperation for social justice, and that social dialogue and stakeholders' involvement were crucial to social and employment policies. The Director-General had given the ILO some valuable tools that would help to meet the challenges of globalization in the twenty-first century. They included the Decent Work Agenda, the Declaration on Social Justice for a Fair Globalization, the Global Jobs Pact and the ILO mandate from the G20. His accomplishments would be an inspiration for others to ensure that coherence and sustainability became an integral part of economic and financial governance structures.
257. *Speaking on behalf of the Gulf Cooperation Council and ASPAG*, a Government representative of the United Arab Emirates praised the Director-General for his leadership of the Organization over a 13-year period that had been fraught with challenges. He had made a great contribution to the institutional work of the ILO, particularly ensuring that the Governing Body became more transparent and truly involved all parties. The ILO now enjoyed a prominent position as the international organization that promoted social dialogue and decent work in order to combat unemployment, eradicate poverty and ensure respect for international labour standards. Under Mr Somavia's leadership, the Organization had achieved significant progress in developing policies on macroeconomics, sustainable enterprises and skills training. He had also laid the foundations for transparent and constructive work through cooperation among the parties, while ensuring respect for the specificities of the social and economic conditions of all member States.
258. *A Government representative of Zimbabwe* paid tribute to the dynamic and visionary leadership of the Director-General, who had transformed the ILO into one of the most effective United Nations agencies. He had introduced social dialogue into Zimbabwe at a time when the political and economic situation was detrimental to workers and the public in general. The fact that social dialogue was now at the heart of development initiatives in her country was attributable to Mr Somavia's policy advice. His determination to eliminate child labour and his vast knowledge of social and economic issues had also been particularly influential in many quarters.
259. *A Government representative of Switzerland* commended Mr Somavia for his unstinting commitment to social justice and employment during his term as Director-General. While the world of work had changed radically since he had taken up office in 1999, the fundamental values of the ILO remained as relevant as ever. He had embodied and defended those values unfailingly. The Director-General had ensured that the voice of the

ILO was heard and respected, and thanks to him, decent work was now a universally accepted concept. Moreover, all his achievements at the head of the ILO had also benefited Geneva and Switzerland in general.

- 260.** *Speaking on behalf of the Africa group*, a Government representative of Togo highlighted the crucial role of the Director-General in transforming the ILO and putting it and its values at the fore of the international community. He had given the ILO a sentinel role in a world dictated by the market, providing alternative realistic solutions, placing employment and social protection at the heart of development policies and promoting coherence and flexibility in the implementation of actions. The group were putting forward a candidate from Africa, hoping to build on Mr Somavia's achievements. The speaker thanked the Director-General for his vision, commitment, pragmatism and determination to promote social justice throughout the world and particularly in Africa.
- 261.** *A Government representative of Japan* praised the Director-General for his advocacy of decent work, which had led to its recognition worldwide. He established the relevance of the Organization in the international community and given it a voice at the G20 Summits. He highlighted Mr Somavia's work on the Declaration on Social Justice for a Fair Globalization and on the Global Jobs Pact, providing guidance for national and international policy in the economic crisis. He expressed particular gratitude for Mr Somavia's support of the 15th Asia and the Pacific Regional Meeting in Kyoto in 2011, in the wake of the earthquake in east Japan.
- 262.** *A Government representative of the Russian Federation* said that under Mr Somavia's tenure the concept of Decent Work had come to underpin the work of the ILO, as reflected in the Declaration on Social Justice for a Fair Globalization and in the Global Jobs Pact. The period had seen the implementation of international labour standards and core principles and rights in the world of work in over 180 member States. The Director-General had shown discernment and sensitivity to current developments and to the aspirations of billions of people. He thanked the Director-General for his support of the High-Level Conference on Decent Work to be held in Moscow, where ideas that Mr Somavia himself had put forward would be discussed.
- 263.** *A Government representative of Argentina* thanked the Director-General for his support to Argentina during its crisis at the start of the century, enabling the Government, only a few years later, to implement decent work policies. His tenure had been crucial in enabling the ILO to gain access to the G20.
- 264.** *A Government representative of France* said that although Mr Somavia would be missed at the ILO, the values he had embodied would remain ever present in the Organization.
- 265.** *A Government representative of the Netherlands* thanked Mr Somavia for putting the ILO back on the international stage and for seeking social justice. In particular, he praised Mr Somavia for ensuring the ILO's involvement in searching for a way out of the economic crisis and for putting social and employment policies high on the agenda.
- 266.** *A Government representative of India* expressed profound admiration for Mr Somavia's contribution to the cause of labour all over the world. His relentless focus on the need for fair globalization and decent work had resulted in policies on poverty alleviation, social protection, social development and job security. He praised him as an economist, diplomat and international statesman. He symbolized the aspirations of the developing world and his recent efforts towards South-South and triangular cooperation between the ILO and developing countries would go a long way towards opening up new avenues for partnership.

267. A *Government representative of Brazil* commended Mr Somavia as the first Director-General from Latin America. Among his successes were the launch of the Decent Work Agenda and the large-scale ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). He had also re-established the ILO's leading role through the Declaration on Social Justice for a Fair Globalization of 2008 and the Global Jobs Pact of 2009. Mr Somavia had achieved the inclusion of the ILO in the G20 and of decent work in the Millennium Development Goals and his advocacy of South–South cooperation had been crucial in developing actions and cooperation programmes. He had contributed to increased social dialogue in Brazil resulting in the first national conference on decent work and employment scheduled for 2012.
268. A *Government representative of Pakistan* commended the Director-General for raising the profile of the ILO. His vision and commitment had brought new synergy to the work of the Organization in pioneering initiatives, particularly through the Decent Work Agenda. His greatest contribution had been his commitment to social justice and freedom in the world of work, promoting the welfare of ILO constituents throughout the world.
269. A *Government representative of the United States Department of Labor* commended Mr Somavia for his graceful and fair acquittal of a very difficult task. He had brought the ILO into the top tier of international organizations, and established it as the voice of social consciousness. His tenure had seen economic change and turbulence but he had kept the ILO focused on the social consequences of the evolving economy and on social justice.
270. A *Government representative of the United States Department of State* said that while world leaders were often defined by a period of history, in many ways, the world was defined by the way that Mr Somavia had shaped the debate of the previous decades and provided insight on global changes. She commended his service to workers around the world.
271. A *Government representative of China* praised the Director-General for his steadfast adherence to the spirit of tripartism and his friendship to the people of China. Among his achievements, the speaker highlighted the Decent Work Agenda and ideas that had translated into concrete actions with far-reaching effects on the world of work.
272. A *Government representative of Trinidad and Tobago* thanked Mr Somavia and commended him for bringing countries and organizations together for the betterment of humanity.
273. *The Government representative of Colombia* thanked the Director-General for his work and for the tangible improvements in social, economic and labour conditions in Colombia under his leadership.
274. A *Government representative of Chile* acclaimed Mr Somavia as a universal Chilean. He had shown himself to be a man loyal to his principles, committed to the concerns of others and with the capacity for initiative in political decisions. By taking a public stand on decent work, the Global Jobs Pact and the Declaration on Social Justice for a Fair Globalization, he had put the ILO at the very heart of decision-making on the international stage and had legitimized social multilateralism. He also extended his thanks to the Director-General's wife, Adriana Santa Cruz, for supporting her husband in his task.
275. *The Director-General* thanked the Officers and members for taking the time to mark his last Governing Body session. He had been enormously touched by colleagues' generous words and their solidarity. It was not yet time for him to bid farewell to the ILO; in June, the International Labour Conference would focus on youth unemployment. Despite the

fact that the topic had been selected many months in advance, it was difficult now to think of a more pressing issue in the contemporary world of work. Consultations with young people were currently under way in 45 countries, which was important because so many of them felt that their voices were not being heard. In the more immediate future, he would do everything in his power to make the transition to his successor as smooth, transparent and constructive as possible.

- 276.** The comments from the Africa group had echoed those voiced at the 12th African Regional Meeting. That region was close to his heart and the meeting had been a great success. The 15th Asia and the Pacific Regional Meeting had been another opportunity to express his gratitude. Mention of those regions brought to mind previous Governing Body chairpersons such as Mr Mdladlana and Mr Tou from Africa, and Mr Chung and Mr Jayatilleka from Asia and the Pacific.
- 277.** He had recognized very early in his time as Director-General that, while being the first head of the ILO to come from a developing country certainly shaped his thinking, he would not take an unbalanced approach. Hailing from a developing country had been and remained part of his identity; he had examined the issues in the light of that experience.
- 278.** He could not have accomplished any of the achievements that had been mentioned without the ILO teams that had surrounded him. In particular, the staff of Cabinet had assisted him enormously over the years, represented by the current Chief, Ms Maria Angelica Ducci and the Deputy Chief, Ms Annette-Marie Ching. He had huge respect for the professionalism and work ethic of the ILO staff and their desire to do more with less, to deliver the best possible product or service. A fundamental part of what he had been able to present to the Governing Body was a result of the work of the teams he had formed and with which he had had the pleasure to work.
- 279.** Nonetheless, all the achievements that had been listed had been the result of the joint endeavours of the Office and the decision-making capacity of the Governing Body. Indeed, it was the interaction between the Governing Body and the Office that was at the heart of the success of the ILO. One important element of that interaction was the lines of informal communication that had developed prior to the Governing Body sessions, which ensured that by the time the sessions began, there was general clarity on the direction that would be taken. Also of fundamental importance was the reciprocal respect for all parties' functions; the Governing Body made decisions and the Office implemented them. When the members disagreed with the way the Office carried out that task, they were right to be critical and to instruct the Office on how and what to change.
- 280.** He thanked the Governing Body for having given him the space and the freedom to bring before it his ideas, ideals, proposals and initiatives. It had allowed him to observe the world, interpret it, intuit the direction the ILO should take, and put forward his ideas without ever feeling constrained. That freedom had been a fundamental source of energy for him and had contributed greatly to the spirit of consensus building in the Governing Body. Hence, in part, the importance of the Governing Body reform – for which many thanks went to Ambassador Farani Azevedo and Mr Greg Vines – and the current discussions on the reform of the International Labour Conference. The whole reform process had begun with the Declaration on Social Justice for a Fair Globalization, when the decision had been taken to discuss each of the four strategic objectives each year. That had been a major shift, incorporating the very essence of the Decent Work Agenda into the constitutional functioning of the Organization. The ILO Governing Body had an incredible ability to reach consensus, move forward and decide to be relevant to and active in the world of work.

- 281.** One of the most striking achievements of the Governing Body had been to give effect to the rapid reaction capacity of the ILO. One example was when, only two months after Lehman Brothers Holdings Inc. had declared bankruptcy in September 2008, the Governing Body had met and the Bureau had proposed six ways in which the ILO should react to the crisis. That had provided a guiding framework for the Global Jobs Pact, which the Governing Body had then adopted in June 2009. With the exception of the International Monetary Fund, which was directly related to the economic crisis, the ILO had been the only international organization able to put a product on the table. Similarly, in the wake of the Arab Revolution in January and February 2011, the leader of the Tunisian trade union federation, the new Minister of Labour of Egypt and the President of the General Confederation of Algerian Enterprises had attended the Governing Body session in March 2011. He advised the Governing Body to remain similarly open to the world and keep its collective finger on the pulse in order to ensure the continuation of that success. The ILO needed to combine its efforts to implement its agenda while remaining sensitive to global events.
- 282.** Turning again to the regions, he recalled that Latin America was his home, with which he maintained a lifelong relationship. Thinking of Europe, he recalled Mr Philippe Seguin, a previous Governing Body Chairperson who had decided, as a point of honour, to increase the ILO budget in real terms. It had been the only time the ILO budget had increased, by 1 per cent. As for the Employers and the Workers, he noted with regret the recent death of Lord Bill Brett, a former Chairperson of the Workers' group and Governing Body Chairperson.
- 283.** In response to the many people who had asked how he had been feeling, he said that he was fully engaged in running the Office and felt totally absorbed by his role as Director-General of the ILO. Yet at the same time, he had the curious feeling that he was sitting on the front row of the audience, observing proceedings. Part of his mind and his heart were already thinking about the future. The two combined to produce deep inner peace, borne of the certainty that he was exactly where he wanted to be. Citing the phrase, "feeling gratitude and not expressing it is like wrapping a present and not giving it", he communicated his profound gratitude to all the members of the Governing Body. He reiterated the sentiments he had expressed in the letter he had sent the Officers of the Governing Body informing them of his early departure, "always and forever, I shall be at the service of the International Labour Organization and its values, which I so deeply respect. I have come to love our organization in so many ways that I would never have imagined when you elected me for the first time". He reassured the Governing Body that he would continue to feel that way for the rest of his life.