



## Governing Body

320th Session, Geneva, 13–27 March 2014

GB.320/INS/PV/Draft

Institutional Section

INS

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DRAFT MINUTES

## Institutional Section

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1. The Institutional Section met on Monday 17 March, and from Monday 24 to Thursday 27 March 2014. The Chairperson of the Governing Body, Ms V.M. Velásquez de Avilés (Government, El Salvador), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr D. Funes de Rioja (Argentina), spoke as Employer coordinator for the Section, except in respect of: item 4, Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, where Mr A. Echavarria acted as Employer coordinator; item 5, ILO engagement with the private sector, where Ms R. Hornung-Draus acted as Employer coordinator; item 12, Reports of the Committee on Freedom of Association, where Mr J. Rønneest acted as Employer coordinator; item 14.2, Supplementary Report on the follow-up to the discussion on the dissolution of the International Institute for Labour Studies and the establishment of the central Research Department, where Mr P. Woolford acted as Employer coordinator; and item 14.3, Supplementary Report on the situation of trade union rights in Bangladesh, where Mr K. Rahman acted as Employer coordinator.
2. The following Governing Body members chaired the remaining sections and segments of the 320th Session:

### **Policy Development Section**

#### ***Employment and Social Protection Segment*** (Thursday, 20 and Friday, 21 March 2014)

*Chairperson:* Mr D. Garner (Australia)

*Employer coordinator:* Ms R. Goldberg

Item 1, Area of critical importance on jobs and skills for youth: Mr J. Belahrach

*Worker spokesperson:* Ms H. Kelly

#### ***Social Dialogue Segment*** (Wednesday, 19 March 2014)

*Chairperson:* Ms M. Armellin (Italy)

*Employer coordinator:* Mr P. Woolford

Item 6, Update on the Better Work Programme: Mr S. Martono

*Worker spokesperson:* Ms S. Fox

#### ***Technical Cooperation Segment*** (Thursday, 20 March 2014)

*Chairperson:* Mr A.J. Correia (Angola)

*Employer coordinator:* Mr A. Yuma

Item 7, Regional perspectives on technical cooperation: Europe and Central Asia: Ms L. Horvatic

Item 8, Follow-up to the Brasilia Declaration on Child Labour: Mr D. Lima Godoy

Item 9, ILO technical cooperation in fragile States: Ms J. Mugo

*Worker spokesperson:* Mr J.R. Gómez Esguerra

***Multinational Enterprises Segment***

*(Wednesday, 19 March 2014)*

*Chairperson:* Mr P.J. Rozet (France)

*Employer coordinator:* Ms R. Hornung-Draus

*Worker spokesperson:* Mr S. Gurney

**Legal Issues and International Labour Standards Section**

*(Friday, 21 and Tuesday, 25 March 2014)*

***Legal Issues Segment***

*Chairperson:* Mr G. Corres (Argentina)

*Employer coordinator:* Mr C. Syder

*Worker spokesperson:* Mr L. Cortebeek

***International Labour Standards and Human Rights Segment***

*Chairperson:* Mr G. Corres (Argentina)

*Employer coordinator:* Mr C. Syder

Item 4, The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards: Mr D. Funes de Rioja

*Worker spokesperson:* Mr L. Cortebeek

**Programme, Financial and Administrative Section**

*(Monday, 17 and Tuesday, 18 March 2014)*

***Programme, Financial and Administrative Segment***

*Chairperson:* Ms V.M. Velásquez de Avilés (El Salvador)

*Employer coordinator:* Mr M. Mdwaba

*Worker spokesperson:* Mr L. Cortebeek

***Audit and Oversight Segment***

*Chairperson:* Ms V.M. Velásquez de Avilés (El Salvador)

*Employer coordinator:* Mr M. Mdwaba

*Worker spokesperson:* Mr L. Cortebeek

***Personnel Segment***

*Chairperson:* Ms V.M. Velásquez de Avilés (El Salvador)

*Employer coordinator:* Mr P. Woolford

*Worker spokesperson:* Mr L. Cortebeek

**Working Party on the Functioning of the Governing Body  
and the International Labour Conference**  
(Wednesday, 19 and Monday, 24 March 2014)

*Chairperson:* Ms V.M. Velásquez de Avilés (El Salvador)

*Employer coordinator:* Mr D. Funes de Rioja

*Worker spokesperson:* Mr L. Cortebееck

**Committee on Freedom of Association**  
(Thursday, 13 to Saturday, 15 March 2014)

*Chairperson:* Mr P. van der Heijden (Netherlands)

*Employer coordinator:* Mr P. Anderson

*Worker spokesperson:* Mr Y. Veyrier

3. *The Chairperson* paid tribute to Mr Marc Blondel, Worker member of the Governing Body. A minute of silence was observed.

## First item on the agenda

### Approval of the minutes of the 319th Session of the Governing Body (GB.320/INS/1)

#### *Decision*

4. *The Governing Body approved the minutes of its 319th Session, as submitted.*

(GB.320/INS/1, paragraph 2.)

## Opening comments by the Director-General

5. *The Director-General* said that, as was the case during the 319th Session of the Governing Body, the decisions to be taken during this session were complex and controversial, and building consensus might be demanding. Last session's experience showed that the Governing Body worked hard but effectively, took important decisions, and advanced its thinking and approaches to yet unresolved issues. It exercised its proper functions of governance on the basis of a reform which had begun showing its fruits. The Office continued to provide timely, concise and quality documentation and was committed to continuing its efforts in order for the Governing Body to be able to undertake its work with success. He highlighted that the Office was working hard to advance its internal reform processes, including the implementation of the innovations built into the new programme and budget, and that initial decisions on the reform of field operations and structures were to be announced. This session's agenda included specific aspects of the reform: the human resources strategy, the enterprises initiative, the new Research Department, as well as substantive documents on two areas of critical importance (ACIs). The reform of the International Labour Conference (ILC) was also moving forward. The Office was finding

these change processes challenging, but was committed to making them work. Furthermore, it was not allowing the challenges of change to distract it from the demands of the world of work and international policy-making. While there was no Working Party on the Social Dimension of Globalization or High-level Policy Segment scheduled for this session, priority was being given to the inclusion of decent work, full employment and social protection in the post-2015 UN development agenda, to cooperation with the Australian G20 presidency, and to dialogue and cooperation with the International Monetary Fund and the World Bank. Developments in specific national situations were prominent on the agenda, demonstrating that the ILO must find solutions to assist member States. It had a proven record of doing just that, and he expressed hope that Bahrain and the Bolivarian Republic of Venezuela could be added to this record. An examination of the ILO's implementation performance over the last two years would help plot out the framework for future programming, and the Governing Body's guidance on the future Strategic Policy Framework was therefore very important. Internal and external circumstances would make this process more complex still. The current session should seek consensus on time frames and other basic parameters of a framework; the substantive content would be examined in November. However, any guidance provided before then would be carefully considered. The substantive policy and cooperation issues before this Governing Body had undoubted significance and weight. Moreover, they linked directly into governance issues. In closing, the Director-General drew attention to the renewed commitment to and support for the International Programme on the Elimination of Child Labour (IPEC) that came out of the III Global Conference on Child Labour (Brasilia, 8–10 October 2013). He informed the Governing Body that the focus of his Report to the ILC would be migration. Finally, he referred to the issue of the ILO's supervisory system, which would require compromise if consensus was to be reached. It was, however, critical that the ILO possessed an effective and authoritative supervisory system in order to carry out its mandate.

## Second item on the agenda

### Agenda of the International Labour Conference

(GB.320/INS/2)

6. *The Employer coordinator*, referring to paragraph (a) of the draft decision, said that his group's choice of option was, in order of preference: (1) effective ILO technical cooperation; (2) the revision of Recommendation No. 71, provided that it focused on enterprise and job creation; and (3) building a diverse and inclusive world of work provided that the approach proposed by the Office be revised. It was not in favour of an item on violence in the workplace. As to paragraph (b), it would be better to wait until the Special Tripartite Committee had met in April 2014 before placing the item in question on the 2014 Conference agenda. As to paragraph (c), a resolution concerning Convention No. 185 would be more appropriate than a Recommendation. As to paragraph (d), the preparations for the general discussions on small and medium-sized enterprises (SMEs) should be a collective effort, taking into account discussions in different global forums. The preparations for the general discussion on decent work in global supply chains should be refocused and take a constructive approach to solving the problems in that area. His group agreed with the content of paragraphs 27–29 of the documents but did not wish the suggestions contained in paragraph 30 to be taken into account in any subsequent work related to the agenda of the Conference. Any revision of standards should take place within the framework of a report adopted by consensus, such as the report of the Working Party on Policy regarding the Revision of Standards, which could serve as a starting point for discussions. His group was convinced that the revision of standards was of fundamental



importance to the ILO as the Organization needed a body of relevant and up-to-date standards, that attracted ratifications.

7. *The Worker Vice-Chairperson*, referring to paragraph (a) of the draft decision, said that his group's first preference was for an item on violence in the workplace. The new instrument would need to fully address gender-based workplace violence and sexual harassment, which were not currently the subject of any specific ILO standards, resulting in a legal lacuna in many countries. Even when legal provisions did exist, the definitions were often unclear. Violence in the workplace cost the economy millions of dollars in health care, court cases, lost wages and sick pay. Such an instrument would benefit workers, governments and employers alike and was central to the ILO's objective of promoting decent work. His group's second preference was for an item on the revision of Recommendation No. 71 to stress the need to promote decent work in post-conflict situations. Revising the Recommendation would also help to keep the ILO's body of standards up to date. His group was not in favour of an item on effective ILO technical cooperation or on building a diverse and inclusive world of work, as those subjects fell within the remit of the Governing Body. His group agreed with the proposal contained in paragraph (b). As to paragraph (c), his group was in favour of an item on a resolution concerning Convention No. 185 being placed on the agenda of the 2016 Conference. As to paragraph (d), his group was in favour of the proposed consultations to inform the preparations for the general discussions selected on the agenda for 2015 and 2016. With respect to the general discussion concerning SMEs in 2015, the report should address: the need to increase the rate of organization and collective bargaining within SMEs; wages and working conditions; trade, sectoral and macroeconomic policies; and quality of work in SMEs. The Office should better reflect the elements concerning the enabling environment for SMEs contained in the 2007 conclusions. The general discussion on decent work in global supply chains should also take account of developments outside the ILO. His group supported the paper's proposed items for future sessions of the Conference. He asked when the meeting of experts on non-standard forms of employment would take place. His group would also like to see the suggestions contained in paragraph 30 of the document taken up in the November 2014 paper.
8. *Speaking on behalf of the Africa group*, a Government representative of Kenya, referring to paragraph (a)(i) of the draft decision, said that his group supported the following agenda items in order of priority: effective ILO technical cooperation; the revision of Recommendation No. 71; building a diverse and inclusive world of work; and violence in the world of work. As to paragraph (a)(ii), the items that were not retained for 2016 could still be considered beyond 2016. His group agreed with the proposal contained in paragraph (b). As to paragraph (c), his group was in favour of an item on a Recommendation concerning Convention No. 185 being placed on the agenda of the 2016 Conference, as it could encourage increased ratification, but would not be opposed to a resolution. His group supported the proposals for the preparation of the general discussions selected on the agenda for 2015 and 2016. As to paragraph (e), since the seven-year cycle of the Social Justice Declaration would end in 2016, it was necessary to begin assessing its impact. That subject could be discussed at the 2015 Conference with a view to determining the next cycle of recurrent discussions. His group took note of the information provided on future sessions of the Conference referred to in paragraph (f) and endorsed the draft decision as a whole.
9. *Speaking on behalf of Denmark, Finland, Iceland, Norway, Sweden and Switzerland*, a Government representative of Denmark, referring to paragraph (a) of the draft decision and the ongoing discussions on the reform of the Conference, reiterated that there was no predetermined number of technical committees: two would have been sufficient; the process for determining their number had not been transparent and there was a need for a

transparent agenda-setting process which would allow the Governing Body to determine the number of technical committees. He was reluctant to support the two proposed standard-setting items, as the standards review mechanism had still not been adopted and those items had not been the subject of a general discussion. However, there was merit in discussing effective ILO technical cooperation in the light of the results of the ongoing field review and in holding a general discussion on building a diverse and inclusive world of work. The ILO already had a mandate to promote decent work for peace, security and disaster resilience, and to propose a strategy to eliminate violence in the world of work. The latter topic could be part of the recurrent discussion on labour protection in 2015 or become the subject of a general discussion. He asked why the item on the resolution of labour disputes had not yet been removed, recalling the recurrent discussion concerning social dialogue in 2013 and the fact that the Nordic countries together with the Netherlands and Switzerland had proposed the removal of this item at the 319th Session (October 2013).

10. A *Government representative of France* said that his Government was in favour of placing an item on effective ILO technical cooperation on the agenda of the 2016 Conference.
11. A *Government representative of Japan*, referring to paragraph (a) of the draft decision, said that his Government was in favour of placing an item on effective ILO technical cooperation on the agenda of the 2016 Conference. Technical cooperation in the ILO should be adapted to the new global challenges and the results of the review of field operations and technical cooperation should also be discussed at the 2016 Conference. A general discussion on technical cooperation could facilitate the adoption of a new strategic plan for 2018–21 in 2017. His Government was also in favour of including an item on the revision of Recommendation No. 71, which should be reviewed to adapt to contemporary needs and to include recovery from natural disasters, as well as from war. However, his Government would prefer the standards review mechanism to be adopted prior to that item being placed on the agenda.
12. A *Government representative of the Republic of Korea* opted for “Effective ILO technical cooperation in a changing global context” as an ad hoc item for the 105th Session (2016), because a comprehensive review of technical assistance projects would be valuable. With respect to the preparations for the general discussion on SMEs in 2015, she welcomed the approach proposed to include a summary of the best practices of SMEs and guidance on policies to support SMEs.
13. A *Government representative of the Netherlands* noted that there was no need to set up three technical committees at every session of the Conference and that further reflection on the agenda-setting process was necessary. While not being averse to the item “Building a diverse and inclusive world of work”, he said that the item “Violence against women and men in the world of work” would make for a more focused debate at the 105th Session.
14. A *Government representative of Canada* said that it would be useful to discuss either “Violence against women and men in the world of work” or “Effective ILO technical cooperation in a changing global context” in 2016, and that items suggested in paragraph 11 of the document which were not selected for 2016 should be retained for future consideration. If the Code of the Maritime Labour Convention, 2006, was to be amended at the April 2014 meeting of the Special Tripartite Committee, those amendments should be submitted for approval at the 103rd Session of the Conference in 2014. Further to the earlier discussion in the Governing Body on the Seafarers’ Identity Documents

Convention (Revised), 2003 (No. 185),<sup>1</sup> her Government did not support the inclusion on the agenda of the Conference of an item involving consideration of a resolution or a Recommendation concerning the Convention.

15. *A Government representative of the United States*, referring to paragraph (a)(i), thought that the agenda for the 105th Session in 2016 should be completed with the item “Violence against women and men in the world of work”. He supported point (b) of the draft decision in paragraph 32. With reference to point (f), he was in favour of including the five items listed in paragraph 28 of the document on the agenda of future sessions. He hoped that a discussion of non-standard forms of employment would lead to a greater understanding of that phenomenon, bring in the findings of researchers, include new approaches and assess its impact on enterprises and workers. It was ironic that those who had been out of work for a long time would have to wait until 2017 before Governments shared their collective wisdom on the topic of long-term unemployment.
16. *A Government representative of India* wished to have the item “Violence against women and men in the world of work” added to the agenda of the 105th Session, as physical or mental abuse could prevent the full optimization of a person’s potential. Cultural diversity should be borne in mind when formulating policy on safety at the workplace. She was also in favour of considering an item related to amendments of the Code of the Maritime Labour Convention, 2006. She welcomed the general discussion on SMEs placed on the agenda of the Conference in 2015 and the approach proposed to link SMEs interventions with other policies in order to boost the micro-, small and medium-sized enterprise sector.
17. *A Government representative of Cuba* could accept the inclusion of either “Building a diverse and inclusive world of work” or “Violence against women and men in the world of work” on the agenda of the 105th Session (2016). He recognized that technical cooperation was a highly complex subject, closely linked to other matters, however his delegation also gave priority to topics concerning social inclusion. He recalled that it had indicated during the 319th Session of the Governing Body, that the proposals not retained should not be discarded and this concerned in particular the proposed item relating to building a diverse and inclusive world of work. His delegation had nothing against the inclusion of the two additional proposals outlined in section B of the document and it agreed with the Office’s proposals in section C of the document. He welcomed the approach proposed by the Office concerning the preparations for the general discussions in 2015 and 2016, with particular reference to the discussion concerning SMEs and decent and productive employment creation.
18. *A Government representative of Germany* said that, as far as the selection of an ad hoc item for the 105th Session was concerned, his Government’s preferences were, first, “Violence against women and men in the world of work” and secondly “Effective ILO technical cooperation in a changing global context”, as that subject had not been debated since 2006 and that the topic should be discussed at the Conference.
19. *A Government representative of Hungary*, noting that the process of setting the agenda of the Conference needed to be improved, said that further discussions were necessary on the agenda of the 105th Session (2016) pending the outcome of the forthcoming 103rd Session (2014) and the reform of the Conference. She was not convinced of the added value of a standard-setting item on the revision of Recommendation No. 71: the standards review mechanism should be implemented. She supported including “Building a diverse and inclusive world of work” as an ad hoc item on the agenda of the 105th Session. In the draft

<sup>1</sup> GB.320/LILS/5.

decision, she supported point (b). With reference to paragraph 32(c) no decision could be taken on an item concerning Convention No. 185 prior to the outcome of the meeting of experts considered earlier on by the Governing Body.<sup>2</sup> Regarding paragraph 32(d), she appreciated the information on the preparations for the general discussions on SMEs in 2015, noting that the different organizational and operating patterns of micro-, small and medium-sized enterprises should be a cross-cutting theme of the report to be prepared for the discussion.

20. A *Government representative of China* expressed a preference for the item “Effective ILO technical cooperation in a changing global context”, since it was necessary to ascertain how limited resources could be put to the best use to meet growing demands from member States.
21. A *Government representative of Australia*, referring to paragraph 32(a), said that “Violence against women and men in the world of work” should be discussed in 2016. His Government’s second option would be either “Effective ILO technical cooperation in a changing global context” or “Building a diverse and inclusive world of work”. He supported paragraph 32(b) of the draft decision.
22. A *Government representative of Italy* said that, as far as paragraph 32(a) of the draft decision was concerned, her Government’s order of preference was: (1) the proposed item relating to violence in the world of work; (2) the proposed item relating to technical cooperation; (3) the revision of recommendation No. 71; (4) the proposed item relating to building a diverse and inclusive world of work. Regarding paragraph 32(b), it was not averse to the inclusion of an item related to the approval of any amendments as might have been adopted by the Special Tripartite Committee to the Code of the Maritime Labour Convention, 2006. With respect to paragraph 32(c), as indicated by the Government representative of Hungary, a meeting of experts was likely to be held and therefore the subject was not ripe for discussion in the near future. With reference to paragraph 32(d), a general discussion on SMEs should also cover micro-enterprises. It would be premature to take any decision on paragraph 32(e).
23. A *Government representative of Uruguay* recommended the inclusion of the item “Violence against women and men in the world of work” on the agenda of the 105th Session (2016) with a view to establishing an international standard of protection against such acts.
24. A *Government representative of Mexico* was in favour of including the item “Effective ILO technical cooperation in a changing global context” on the agenda of the 105th Session (2016).
25. A *Government representative of the Russian Federation*, referring to paragraph 32(a), wished to examine the question of “Effective ILO technical cooperation in a changing global context” since such cooperation could strengthen States’ capacity to reduce unemployment. He supported paragraph 32(b) on the understanding that that was a preliminary decision and agreed with paragraph 32(c).
26. A *Government representative of Sri Lanka*, referring to paragraph 32(a), wished to see the inclusion of the items “Violence against women and men in the world of work”. He welcomed the inclusion on the agenda of the 2015 and 2016 sessions respectively of a

<sup>2</sup> dec-GB.320/LILS/5.

general discussion on SMEs and a general discussion on “Decent work in global supply chains”.

(The Governing Body deferred the discussion on this item to a later session, as it was unable to reach a consensus.)

27. *A representative of the Director-General* (Deputy Director-General for Management and Reform (DDG/MR)) said that, following consultations, the Office proposed to complete the agenda of the 2016 Conference with the item on the revision of Recommendation No. 71, as it had received some level of support from all the groups, whereas none of the other items had received unanimous support. He understood that the Workers’ and the Employers’ groups, as well as the Group of Latin American and Caribbean Countries (GRULAC), the Africa group and some Governments within the Asia and Pacific group (ASPAG) gave some level of support to the item. He recalled that there had been support for paragraph 32(b) of the draft decision; that paragraph 32(c) would be dealt with under a different discussion;<sup>3</sup> that the Office would take note of the guidance provided in relation to paragraph 32(d); that the proposal in paragraph 32(e) was being examined separately by the Governing Body in its discussion on an evaluation of the Social Justice Declaration<sup>4</sup> and that the Governing Body would take note of the information in relation to future sessions of the Conference referred to in paragraph 32(f).
28. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada said that her group was disappointed at being presented with a proposal for a third technical item that was not the first choice of any of the groups. It was necessary to find a better method for setting the agenda of the Conference.
29. *A Government representative of the United States* said that his Government was disappointed that the items on violence in the workplace and effective ILO technical cooperation, which were of great interest to a large number of Governments, had been discarded in favour of an item that appeared to be the lowest common denominator and which, furthermore, did not constitute a high priority for governments although ultimately they would be obliged to take into account any instrument that might be adopted. He suggested either holding a vote to select one of the priority items or deferring the decision.
30. *Speaking on behalf of Denmark, Finland, Iceland, Netherlands, Norway and Sweden*, a Government representative of Denmark said that, given that the proposed item was not the first choice of any of the groups and would involve the setting of a standard, the group would prefer to have only two technical items on the agenda. If a third item had to be chosen, a vote should be held on the two items that had received most support, namely violence in the world of work or technical cooperation. The decision could be deferred if necessary.
31. *A Government representative of Italy* agreed that, as the inclusion of a third technical was a tradition rather than a legal requirement. It would be preferable to have only two technical items on the 2016 agenda, but if a third had to be selected, her Government’s preference was for the item on violence in the workplace. If that item was not selected, it should be retained as a possibility for the agenda of a future Conference. The decision could also be deferred if necessary.

<sup>3</sup> *ibid.*

<sup>4</sup> dec-GB.320/INS/15/2.

32. *A Government representative of India* said that her Government still favoured the item on violence in the workplace. The item chosen should be a priority for the majority of the members of the Governing Body.
33. *A Government representative of Canada* said that her Government had supported the item on violence in the workplace, as well as the items on effective ILO technical cooperation and building a diverse and inclusive world of work. If no agreement could be reached, her Government suggested holding a vote or deferring the decision.
34. *A Government representative of Hungary* said that there was no need, or formal requirement, to have three technical items on the agenda and that her Government preferred to have only two. Alternatively, further discussion could be held. It was necessary to improve the procedure for setting the Conference agenda.
35. *A Government representative of France* said that the item being proposed was a default choice, and the two items that seemed to be a priority for a large number of governments had been discarded. It was necessary to either defer the decision or to find a more legitimate method for selecting agenda items.
36. *A Government representative of the United Kingdom* said that it was necessary to find a better method for selecting agenda items for the Conference. Agenda items needed to be relevant and acceptable to all groups. The procedure for updating Conventions and Recommendations should be considered carefully before new standards were added.
37. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that, while his group's first choice had been the item on effective ILO technical cooperation, his group was willing to make the revision of Recommendation No. 71 its first choice in the interest of breaking the stalemate and moving forward. Deferring the decision would not resolve the issue at hand.
38. *The Employer coordinator* said that his group would have preferred to have only two technical items; alternatively, its preference for the third technical item was effective ILO technical cooperation. The proposed item was therefore not his group's first choice but the employers were nonetheless interested in discussing it. His group endorsed the proposal made by the Office.
39. *The Worker Vice-Chairperson* said that his group's first choice was the item on violence in the workplace and that the item should be retained for the agenda of future Conferences. However, the item on the revision of Recommendation No. 71 was its second choice. His group endorsed the Office's proposal.
40. *A Government representative of Brazil* said that his Government had expressed an interest in revising Recommendation No. 71 at previous sessions of the Governing Body. It was clear that the procedure for selecting agenda items needed to be re-examined.
41. *The representative of the Director-General (DDG/MR)* said that it was indeed necessary to re-examine the procedure for setting the agenda of the Conference. This was a long-standing issue that needed to be resolved. The proposed topic was the only one which was acceptable to all groups. A number of decisions had already been deferred to the November 2014 session of the Governing Body and to defer the current decision only to discuss the same issues would not be a productive use of the Governing Body's time. It was possible that the Governments which had not given strong support to the proposed item would embrace it once the relevant preparations had started, including consultations with constituents. He underlined that the work undertaken would not constitute merely a

review of the Recommendation but that it could be far broader and embrace recovery from all sorts of disasters. He urged the members of the Governing Body to support the proposal as it stood.

## **Decision**

### **42. The Governing Body:**

- (a) completed the agenda of the 105th Session of the International Labour Conference (2016) by selecting an item on decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (standard setting, double discussion);*
- (b) provisionally placed the topic relating to the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006, on the agenda of the 103rd Session (June 2014) of the Conference, subject to the submission of any amendments adopted by the Special Tripartite Committee in April 2014;*
- (c) provided guidance on preparations for the general discussions concerning the item “small and medium-sized enterprises and decent and productive employment creation” for the 104th Session (2015) and “decent work in global supply chains” for the 105th Session of the Conference (2016);*
- (d) took note of the information provided in document GB.320/INS/2 in relation to future sessions of the Conference.*

(GB.320/INS/2, paragraph 32, as amended.)

## **Third item on the agenda**

### **Matters arising out of the work of the International Labour Conference**

#### **Follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work: Implementation of the plan of action**

(GB.320/INS/3/1)

- 43.** *A representative of the Director-General (Director, Governance and Tripartism Department) introduced the document, noting that, as the plan of action was an Office-wide initiative involving headquarters departments and field offices, an overview of all accomplished activities was difficult. Ongoing activities, such as the preparations for the Conference discussion in June 2014 on a possible new instrument to complement the Forced Labour Convention, 1930 (No. 29), had not been mentioned in the document. Pending the evaluation of the plan in 2015, good practices emerging from implementation by the Office to date had been identified. A resource-mobilization strategy was being*

prepared to address the shortfall so that all of the activities in the plan could be implemented.

44. *The Employer coordinator* welcomed the information that 30 per cent of non-ratifying member States were implementing new initiatives to give effect to the fundamental principles and rights at work. However, he wondered what criteria the Office was applying to the development of technical assistance programmes. The Employers, on a previous occasion, had stressed the need for the plan to be funded from regular budget resources but noted that little progress appeared to have been made in that regard. He recommended that the plan should continue to focus on leading the knowledge agenda, advocacy and information dissemination. He welcomed the increased visibility of fundamental principles and rights at work and suggested that its promotion be mainstreamed across all areas of the ILO's work, noting that capacity building was necessary to improve the promotion of fundamental principles and rights at work by the social partners. He commended the Office's work, with the International Organisation of Employers (IOE), on updating the employers' handbook to combat forced labour, and welcomed the promotion of fundamental principles and rights at work through international partnerships, especially in relation to the post-2015 development agenda.
45. *The Worker spokesperson* regretted that freedom of association and collective bargaining had not been given more emphasis in the plan of action, which needed to be based more explicitly on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. He renewed the appeal to member States to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). He was in favour of capacity building for employers' and workers' organizations and enhancing the role of labour inspection. He wondered why fundamental principles and rights at work had been integrated into only three out of eight ACIs and was surprised that only 16 per cent of technical cooperation projects approved in 2013 related to fundamental principles and rights at work. He also wondered what steps were being considered to meet outstanding requests for technical assistance and when the Office proposed to hold the meeting of experts on atypical forms of employment, which had been due to take place in June 2012. He called for increased efforts to include activities related to Conventions Nos 87 and 98 in Decent Work Country Programmes (DWCPs). He welcomed the statistics on union membership and the legal framework of labour relations. With reference to child labour, he welcomed the new statistics and the holding of a global conference. Regarding a possible new instrument on forced labour, his group was moving towards understanding why a Protocol combined with a Recommendation might be desirable. Fundamental principles and rights at work should be part of the post-2015 development agenda and respected by institutions in their anti-crisis measures. The positions on the fundamental principles and rights at work adopted by member States and in other bodies had to be coherent. He regretted the lack of funding allocated to national equality bodies and urged member States to give top priority to combating discrimination and promoting equality. He called for a restructuring of the document to facilitate evaluation and for the allocation of adequate resources for the ongoing implementation of the plan in the future.
46. *Speaking on behalf of the Africa group*, a Government representative of Kenya emphasized that further ratifications of fundamental Conventions were still needed to achieve the goal of universal ratification. Noting the cases of progress on Conventions Nos 87 and 98 and the adoption of two new national action plans on freedom of association and collective bargaining, he reiterated the importance of technical assistance in that regard. Fundamental principles and rights at work could only be realized if there was continuous capacity building for social partners to ensure harmonized and sustainable implementation. He



looked forward to the report on the Office's strategies and actions to promote fundamental principles and rights at work in ten sample countries.

47. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. Since respect for fundamental principles and rights at work was enshrined in the EU's legislation and external relations and in many of its policies, her group supported the ILO's efforts to promote fundamental principles and rights at work worldwide. She urged all member States to ratify and implement the eight core Conventions, recalling that membership in the ILO carried the obligation to uphold these principles. She encouraged the Office to continue engaging member States in good practices. Freedom of association was still not a reality in some countries but, as it was key to the realization of other human rights, the EU would continue to address restrictions in that area. She was concerned about the lack of reliable data on victims of forced labour. In the area of child labour, she called for support from the Office and member States to cooperate with the EU's work on updating the list of hazardous types of work. She urged countries to combat discrimination in employment and occupation and reiterated her group's previous call for an estimate of the resources needed to implement the plan of action.
48. *A Government representative of India* suggested that DWCPs could be an effective source of technical support for the incorporation of fundamental principles and rights at work in countries' socio-legal frameworks. While research was welcome, it should not be used for imposing conditions on member States or making comparisons. She encouraged capacity building for the social partners. Within international partnerships, there must be no shrinkage of the ILO's area of impact or core mandate. India's pragmatic approach to ratification took account of consensus-building, national priorities and socio-economic realities, including child labour, the elimination of which required long-term and comprehensive efforts. In that regard, she mentioned recent legislative action, including proposals for amendments to bring national law into conformity with Conventions Nos 87 and 98. For India, commitment to the principles enshrined in the fundamental principles and rights at work was more important than ratification, which would be a gradual process requiring ILO technical support. Fundamental principles and rights at work would be a key component in the post-2015 development agenda.
49. *A Government representative of Indonesia* recalled that her country had ratified all eight core Conventions. A current national programme aimed at bipartite empowerment was promoting social dialogue at the company level with a view to ensuring better conditions for workers, increased productivity and more harmonious industrial relations. Accordingly, she called for the ILO's continued support for social dialogue in her country.

## **Outcome**

50. *The Governing Body took note of the information contained in document GB.320/INS/3/1 and requested the Office to take into account the views expressed during the discussion of this document.*

(GB.320/INS/3/1, paragraph 17.)

## Follow-up to the resolution concerning sustainable development, decent work and green jobs (GB.320/INS/3/2)

51. *The Employer coordinator*, referring to the possibility of holding a tripartite meeting of experts on sustainable development, decent work and green jobs, did not disagree with the draft decision as such but thought it premature to discuss the issue. The discussion should be deferred until the 321st Session of the Governing Body, pending a fact-based analysis.
52. *The Worker Vice-Chairperson* thought that the proposed tripartite meeting of experts would be useful for several reasons; for example, it would underline the relevance of employment and social policy instruments to strategies supporting the post-2015 development framework, and serve as input to the UN conference on climate change due to be held in Paris in December 2015. With regard to the nine policy areas of the just transition framework, the meeting should take account of already adopted and agreed tripartite ILO resolutions, conclusions, recommendations and international labour standards related to those areas. He supported the draft decision.
53. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. She expressed surprise at seeing the item on the agenda of the current Governing Body session, given that the decision adopted at the previous session had been for evidence-based analysis to be provided before the 322nd Session (November 2014) of the Governing Body. There appeared to be no compelling reason not to adhere to that timeline. She agreed that better ILO guidance was needed on the greening of economies and on aligning support with international labour standards. The application of labour standards, including with respect to labour inspection and occupational safety and health, was crucial. Equally important were the anticipation of future skills needs and the adoption of training policies in relation to green skills. She welcomed the building of a knowledge base and evidence-based policy guidance, which could help in formulating contributions to the post-2015 development agenda. The additional time before the Governing Body session in November would be valuable for providing more robust analysis, which was an essential basis for convening a tripartite meeting of experts. She proposed that the draft decision in paragraph 22 should be replaced by a new text, covering the points she had raised.
54. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that his group had already specified the role that the ILO should play in helping Africa, where the creation of decent jobs and employment opportunities needed to be accompanied by investment in skills training and capacity building. His group welcomed the partnerships the ILO had established with other UN agencies with a view to mainstreaming sustainable development into DWCPs and promoting coherence between environmental, economic and social policies. The Turin Centre and the ILO Research Department could also contribute in that regard. He asked what criteria were used to select the countries that would benefit from ILO programmes and whether there were plans to roll out programmes in others. His group took note of the admission that policy guidance in that area was inadequate. It was in favour of holding a meeting of experts, provided that the Office gathered sufficient evidence to justify it.

55. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that investment in sustainable land management practices could create varied employment opportunities. However, investment in such practices necessitated occupational training that would allow workers to access formal, better-paid jobs. The ILO should continue to follow up on that issue, especially in developing countries that had requested technical assistance from the Office. If the Office decided to provide technical assistance in the area of e-waste, it should do so in strict accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal and other legislation prohibiting the exportation of such material. When the ILO participated in forums such as the Green Growth Knowledge Platform, it should do so bearing in mind the decisions taken by the tripartite constituents. Any measure or decision on which a consensus was reached in such forums should be submitted to the Governing Body in a document for information or decision. The meeting of experts should: comprise at least three experts from each region, to be identified by the regional coordinators; allow the participation of observers; be flexible in length to ensure that all agenda items were covered; follow a specific agenda agreed upon ahead of time; ensure that the items for discussion and any recommendations made by the experts were in conformity with the Rio +20 outcome document; and bear in mind the fact that there was still no consensus on the definition of “green”. His group endorsed the draft decision. Furthermore, it encouraged the member countries of the ILO to take action to expedite the entry into force and effective implementation of the Minamata Convention on Mercury and requested the Office to continue to demonstrate willingness to collaborate with the Conference of the Parties to that Convention. An item on that subject should be placed on the agenda of the November 2014 session of the Governing Body. The Office could prepare a paper to facilitate the discussion with the assistance of the World Health Organization (WHO) and the United Nations Environment Programme (UNEP).
56. *A Government representative of the United States* said that the question of holding a meeting of experts should be considered at the November 2014 session of the Governing Body, which would give the Office more time to prepare the evidence-based analysis. In the meantime, it was important to ensure that workers could share in the benefits of the transition to a greener economy; that the fundamental rights of workers were respected when implementing new policies and investing in new sectors; and that social safety nets were in place to prevent those displaced by the transition from falling into poverty. Her Government recognized that the Office was already addressing those areas through building the ILO knowledge base and disseminating information on key issues, but remained unsure as to whether such a meeting would add value to the ongoing work of the Office in that area.
57. *A Government representative of India* said that poverty alleviation and full employment were still major challenges for the majority of the world’s population and that greening the economy should contribute to addressing those challenges. ILO initiatives on capacity building, policy guidance and technical assistance should take account of the country’s socio-economic situation, its national legal framework and the particular challenges it faced. Her Government was of the opinion that a meeting of experts could serve to tap into the global pool of knowledge on sustainable development, decent work and green jobs, and it therefore endorsed the draft decision.
58. *A Government representative of Switzerland* said that his Government concurred that an item on mercury and the Minamata Convention should be placed on the agenda of the November 2014 session of the Governing Body.

59. *A Government representative of China* said that, while a low-carbon economy could lead to many factories being closed and to many workers losing their jobs, it could also generate new sources of employment. His Government was in favour of holding a meeting of experts with a focus on skills development and it therefore endorsed the draft decision.
60. *A Government representative of Canada*, recalling the decision adopted at the October 2013 session of the Governing Body, said that her Government looked forward to receiving the evidence-based analysis with a view to continuing the discussion on the meeting of experts at the November 2014 session of the Governing Body.
61. *The Employer coordinator* said that his group endorsed the draft decision as amended by the EU.
62. *The Worker Vice-Chairperson* said that his group did not see the need for a more detailed document to conclude that the ILO should play a role in that area and that it was necessary to organize a meeting of experts to explore the subject in greater detail. He requested the EU to specify the additional information it would like to be included in the document.
63. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy, recalling the decision adopted at the October 2013 session of the Governing Body, said that the EU considered the short document prepared by the Office for discussion at the present session to be the evidence-based analysis referred to therein. After having examined the document, the EU required more evidence in order to consider convening a meeting of experts.
64. *The Worker Vice-Chairperson* said that all the necessary evidence was already in the document and that his group endorsed the draft decision as it stood.
65. *A representative of the Director-General* (Director, Enterprises Department) said that the document had been submitted for discussion at the current session of the Governing Body because the decision adopted in October 2013 had merely stated that the Governing Body should receive it before the November 2014 session. He requested clarification on the evidence sought by the EU. If the draft decision was adopted, a more detailed proposal for the meeting of experts, which would take into account all the suggestions made during the discussion, could be developed. The Office could prepare a document to that end.
66. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU would welcome more examples of the analytical work being carried out by the Office, mentioned in paragraph 10.
67. *The Worker Vice-Chairperson* suggested adopting the draft decision in principle and finalizing the details of the meeting of experts at a later date.
68. *A Government representative of Brazil* said that, while his Government was of the opinion that there was already enough information to organize a meeting of experts, it was not opposed to receiving an additional document from the Office.

## **Decision**

69. *In the light of the information provided by the Office on the rationale for, and overall purpose of, a possible tripartite meeting of experts on sustainable development, decent work and green jobs, the Governing Body recommended the organization of a tripartite meeting of experts to review, amend and adopt draft*

*policy guidelines as outlined in paragraph 20 of document GB.320/INS/3/2, subject to the availability of financial resources, and invited the Office to submit a proposal for the arrangements of such a meeting, including its intended outcome, composition, place and date, duration, costs and financing, to the 321st Session (June 2014) of the Governing Body.*

(GB.320/INS/3/2, paragraph 22, as amended.)

## Fourth item on the agenda

### Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.320/INS/4)

70. *The Employer coordinator* said that, while achieving an increase in ratifications should not be the only focus of the follow-up to the Declaration, the ILO had a responsibility to assist member States that were not yet in a position to ratify the core Conventions. The “no change” reports from some governments did not necessarily reflect a loss of momentum; on the contrary, governments continued to demonstrate that they promoted respect for fundamental principles and rights at work without necessarily having ratified certain Conventions. Referring to the United Nations (UN) *Guiding principles on business and human rights*, he said that care should be taken to avoid confusion between ILO and UN texts, as the focus was different. His group requested specific information on technical assistance by the ILO with a view to evaluating the progress and efficiency of the annual review. Priority areas for ILO work were: technical assistance to promote the respect of fundamental principles and rights at work and potential ratifications; strengthening government reporting capacities, among others; policy and legislation assistance; strengthening tripartite dialogue; capacity-building for employers’ and workers’ organizations; and financial support to develop technical cooperation programmes in member States.
71. *The Worker Vice-Chairperson* said that his group was concerned by the downward ratification trend and the low ratification of Conventions Nos 87 and 98. His group urged the 47 countries that had yet to ratify one or more of the core Conventions to do so and to fully realize the fundamental rights that they contained. The weaknesses mentioned in the document with regard to institutional mechanisms, social dialogue, collective bargaining and labour inspection were not surprising in cases where there was an absence of organized social partners. The Office should give priority to the many requests for technical assistance from governments and from workers’ and employers’ organizations to overcome the challenges related to technical cooperation. Cross-departmental work should play an important role in that regard. The Office should also allocate the resources needed to ensure progress towards achieving universal ratification of ILO core Conventions. To that end, better use should be made of DWCPs, better synergies should be sought among the fundamental principles and rights at work, and ILO advocacy should be strengthened. The ILO should also carry out more research and engage constituents in discussing how to overcome practical barriers for the enjoyment of fundamental rights. Lastly, he noted that the information provided in paragraph 63 of the document on the ratification of Convention No. 87 did not reflect the views of the Central Organization of Trade Unions of Kenya (COTU–Kenya).

72. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the document highlighted challenges facing constituents with regard to capacity constraints, legal literacy and barriers, and a lack of awareness and political will, among others. The Office should redouble its efforts to respond to the large number of requests for assistance. To meet those demands, the technical cooperation budget should be rethought and delivery mechanisms should be defined in the context of ongoing reforms within the Office in order to optimize technical assistance initiatives. He requested further information on the Office's resource mobilization initiatives.
73. *A Government representative of the Republic of Korea* said that the amendment of the Trade Union and Labour Relations Adjustment Act mentioned in paragraph 26 of the document had taken place in 2011 and was therefore not relevant. Furthermore, the information in the same paragraph regarding violations against trade unions applied to only a few unions; his Government would submit further information in that regard in August 2014.
74. *A Government representative of Canada* said that, contrary to the information provided in the document, her Government was carrying out a review of Convention No. 138 with a view to its possible ratification. Furthermore, Canada's ratification of Convention No. 29 had not been taken into account.

## **Outcome**

### **75. The Governing Body:**

- (a) took note of the information presented in document GB.320/INS/4;*
- (b) invited the Director-General to take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work;*
- (c) invited the Director-General to take account of this goal in the Office's resource mobilization initiatives.*

(GB.320/INS/4, paragraph 147.)

## **Fifth item on the agenda**

### **ILO engagement with the private sector**

#### **Strategy for wider ILO engagement with the private sector**

(GB.320/INS/5/1)

76. *The Worker Vice-Chairperson* reiterated that the mutually reinforcing relationship between decent work and sustainable enterprises could only be established through interactions between government, management and workers' representatives. According to the 2007 conclusions on the promotion of sustainable enterprises, the concept of enterprise did not involve management alone. Underlining the need to move beyond corporate social responsibility (CSR), he noted the importance of building on international labour standards, the Tripartite Declaration of Principles concerning Multinational Enterprises

and Social Policy (MNE Declaration) and the UN Guiding Principles on Business and Human Rights. Enterprises that wished to engage with the ILO should also be willing to engage with the respective Global Union federation. The ILO should not engage with enterprises that were not willing to engage with trade unions. The screening role of the Bureau for Workers' Activities (ACTRAV) was important in that regard. The ILO's engagement with enterprises should be concrete and focused on developing a roadmap for improving working conditions and labour rights and for promoting sound industrial relations. The strategy for engagement should also aim to create a coherent system of advice on international labour standards on which other public policy organs could draw. With regard to the section of the document on "Methodology and operations", he wished to emphasize the important role played by ACTRAV and the Bureau for Employers' Activities (ACT/EMP) in facilitating and strengthening ILO engagement with the private sector. The Enterprises Department should work with the two Bureaux on designing and implementing substantive work with enterprises. While supporting the draft decision, he called for the revised approach to be reviewed and evaluated at regular intervals.

77. *The Employer coordinator* said that she was shocked by the suggestion that enterprises which did not want to engage with Global Union federations should not be allowed to engage with the ILO. Employers were very keen to approach enterprises; that was why they had supported the establishment of the Helpdesk, for instance. There were different ways to establish codes of conduct on corporate responsibility, which did not only have to be in the form of a framework agreement signed with a Global Union federation. The relationship manager for enterprises wishing to engage with the ILO should be ACT/EMP, and for workers ACTRAV. The two Bureaux should cooperate very closely in a spirit of social dialogue. They were not there to make policy and did not have the right to veto an enterprise's engagement with the ILO; such political decisions were the prerogative of the Director-General. She therefore did not agree with the methodology outlined in paragraph 9 of the document, which would add a second layer of bureaucracy.
78. Noting that many international organizations were currently producing guidelines on principles for enterprises to apply to their international operations, she said that the Enterprises Department had a crucial role to play in drawing up and implementing a strategy of systematic institutional engagement with those organizations in order to ensure policy coherence. However, the Department should concentrate on implementing the programmes for which it was responsible, and should not duplicate the work done by ACT/EMP and ACTRAV in managing relationships with enterprises.
79. *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that constructive engagement with the private sector must take into account the seven key messages emerging from the discussion at the 319th Session of the Governing Body. His group endorsed ILO engagement across the entire spectrum of the Office's activities. He took note of the three strategic components of the enterprise initiative and welcomed the processes of engagement described in paragraph 9 of the document. Nonetheless, with regard to the roles of ACT/EMP and ACTRAV as described there, he called for an integrated approach that took into account the tripartite nature of the ILO and asked how governments would be involved in that process.
80. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that, with the processes described in paragraph 9, the cooperation offered by the ILO would be clearer, quicker and more pragmatic, and thus more extensive and efficient. He therefore supported the process whereby the Enterprises Department would be the technical lead department responsible for the coordination and execution of activities relative to enterprises, while also supporting the channelling of contacts from enterprises to ACT/EMP, or ACTRAV if the contact came from workers' organizations. However, all

activities should respect the tripartite nature of the ILO. It was important to strengthen the regional offices so that they could respond to interests expressed by enterprises and be involved in the three strategic components of the initiative.

- 81.** *Speaking on behalf of IMEC*, a Government representative of Italy said that she was not entirely convinced that the process outlined in paragraph 9 met the criteria set out in the preceding paragraph, namely that it was “understood and respected across the Organization and ... enable[d] such contacts to be managed systematically and coherently”. The envisaged procedure involved passing through many actors, and it added steps that were not part of current practice. The purpose of directing all contacts to ACT/EMP and ACTRAV was not clear; she believed that the review and clearance procedure established for public–private partnerships (PPPs) under the guiding principles adopted by the Governing Body in 2008 were sufficient. Furthermore, the fact that the fields of work of PPPs were covered by many departments in the Office should be taken into account when designing the coordination function of the Enterprises Department. Decentralization was an approach to be encouraged, as was the involvement of the Research Department and the International Training Centre of the ILO (Turin Centre). The revised approach to the ILO’s engagement with enterprises should be evaluated no later than March 2016.
- 82.** *A Government representative of the Islamic Republic of Iran* underscored the need for the ILO to develop an appropriate range of partnership and engagement models to implement its strategy to promote sustainable enterprises and decent work. The Office’s experience to date highlighted the role of management processes in achieving a coherent and systematic response, with full information sharing across the Organization. He attached considerable importance to internal management arrangements and acknowledged that they must meet the two criteria set out in paragraph 8 of the document. Research needs arising from the enterprise initiative should be the subject of consultation between the Enterprises and Research Departments.
- 83.** *A Government representative of France* said that the document rightly described enterprises’ expectation of a clear and pragmatic response from the ILO. The corollary of that response was simple and pragmatic internal management. In that regard, some proposals in the paper (notably those concerning the involvement of several departments of the Office) required further clarification. It was essential to ensure suitable, flexible and, above all, efficient processes.
- 84.** *A Government representative of Switzerland* supported the proposal to make the Enterprises Department responsible for activities under the enterprise initiative and encouraged the Office to pursue its efforts in that regard. She proposed that the procedure for PPPs and relations under the MNE Declaration should be the same, at least at the beginning, as that applicable for all engagement with the private sector. As the proposed internal management system slowed down the partnership process, units should be set strict and clear deadlines for engagement with enterprises. The revised approach should be evaluated no later than 2016.
- 85.** *A Government representative of India* said that governments were vital to ensuring that the right conditions were in place for private sector-led growth. More issues relevant to less developed and emerging economies should have been included in the document. The ILO had a responsibility to create an enabling environment for small enterprise development, based on private sector initiatives in microfinance and microinsurance and CSR initiatives oriented towards informality. The skill and education levels of the workforce in emerging economies were low compared with those of advanced economies, and a clear strategy was needed to foster relevant skills. The development and implementation of international framework agreements as part of enterprise and supply chain policies should be within the



national legal framework of each country: India, for example, had released guidelines on responsible social behaviour by business enterprises.

86. *A Government representative of the Russian Federation* supported the Office's proposal, but emphasized the importance of respecting the principle of tripartite representation and the special prerogatives of ACT/EMP and ACTRAV. It would be useful if the Enterprises Department could establish contacts with other organizations concerned with labour standards, although costs should not be excessive.
87. *A Government representative of Argentina* said that sustainable enterprises were critical to tackling the global employment crisis. Argentina welcomed the three strategic components proposed in the October 2013 document and the Enterprises Department's technical lead, but would like more information on how governments could participate in consultations with the private sector.
88. *The Worker Vice-Chairperson*, clarifying a previous comment, said that the ILO had to take the lead in the interpretation and implementation of labour standards and its values, principles and standards should always be taken into consideration when engaging with a private enterprise. Noting the significance of the activities outlined in the document, he expressed concern that the Multinational Enterprises Programme (EMP/MULTI) had not always been sufficiently resourced in the past. In conclusion, he noted that the final decision on whether to engage with a private enterprise lay with the Director-General.
89. *The Employer coordinator* emphasized the importance of the Director-General creating a simple and pragmatic procedure for enterprises, which fully respected the tripartite nature and the interests of the constituents.
90. *The Director-General* noted with satisfaction that the substance of the revised strategy had basically met with the approval of the Governing Body, and that most of the comments had related to the methodology and operational aspects of the initiative, responsibility for which normally lay with the Office. He assured the Governing Body that all arrangements under the initiative would adhere to the values, principles and standards of the ILO and fully respect its tripartite character. The question of the manner in which ILO engagement with enterprises could be achieved, and the substance of that engagement, was of concern to employers, workers and governments alike, and the arrangements to undertake the initiative should reflect that shared interest.
91. Noting that the prospect of the ILO expanding or renewing its engagement with private enterprises had raised questions about representation, he reaffirmed that the initiative would not weaken the representational mandate of employers' organizations, and, if successful, would even strengthen it. A large number of enterprises were already engaged with the ILO, but more could be done, not merely to continue past practices, but to do more and to do better. Employers' organizations would be a major, but not exclusive, actor, in facilitating access and contact with enterprises. Regarding the mechanisms for engagement, ACT/EMP and ACTRAV would have an entry point function: the processes should not be overly bureaucratic, or politicized. Governments, too, had access to the process, and had previously provided assistance in making contact with enterprises.
92. The enterprise initiative covered the panoply of ILO activities, and involved all units and technical departments, and yet the Enterprises Department had a very specific role to play. Its establishment answered the challenges of providing more information about the realities, needs and practices of modern business, and responding to the views of business. Nevertheless, attributing a proper role to the Department would not be to the detriment of other units, or to the roles of ACTRAV and ACT/EMP. The ILO ran the risk of being

overly bureaucratic, slow and formalistic in its responses to business, and if it was, enterprises would not stay: a rapid, clear, pragmatic and agile system was therefore required.

93. He hoped that the Governing Body would agree to go ahead with the initiative, including in relation to the roles of ACT/EMP and ACTRAV and the leadership role of the Enterprises Department, on the understanding that the views expressed during the discussion would be fully taken into account and recognizing that, with regard to how prescriptive to be on the content of paragraph 9, it was difficult to satisfy everybody.
94. *The Employer coordinator* asked how employers' organizations could be major actors in facilitating ILO engagement with enterprises, when the document clearly stated that the Enterprises Department would take the lead. She cautioned that a duplication of management tasks could lead to excessive bureaucracy. Specifically, noting that projects between enterprises and the ILO were extremely diverse and that it was inefficient to regroup all of them under the Enterprises Department, she said that tasks would inevitably end up being delegated to other departments, making the process even more bureaucratic.
95. *The Director-General* explained that employers' organizations were fundamentally important in facilitating contact between enterprises and the ILO, but others could also play a role in that regard, including trade unions and governments. The involvement of ACT/EMP would ensure transparency, openness and dialogue with the employer community; he did not see that as a complicating issue. He agreed that duplication and overly heavy procedural arrangements should be avoided. While ACT/EMP would be able to participate in any process involving its interests, the ILO had an in-house technical capacity that had a role to play. The Enterprises Department had a slightly different role from other technical departments in coordinating the response to enterprise needs. Overall, the Office would use a pragmatic, flexible and operational approach, and would adapt the process as necessary.
96. The Director-General said that, while it was clear that the Governing Body welcomed the key messages in the document, there was disagreement with regard to the methodology and operations of the enterprise initiative, particularly from the Employers' group. Despite the efforts by the Office to resolve the issues that had been raised, it had not been possible to find a common understanding. Therefore, the only appropriate course of action would be to delay a decision on the item until the 321st Session (June 2014) of the Governing Body. The Office would engage directly and energetically with all parties concerned, in order to prepare a draft decision that would meet with the agreement of them all.
97. *The Employer coordinator* said that, while his group supported the enterprise initiative in principle, it would not be able to provide its full political support unless there was recognition of the role played by enterprises in the group; without that support, the initiative would not be able to achieve the desired objectives. He looked forward to the Director-General's engagement in resolving the matter, so that a decision could be taken in June.
98. *The Worker Vice-Chairperson* said that, as the ILO's engagement in the private sector was so important, it was crucial to have the support of all constituents. He therefore agreed with the Director-General's proposal.

## Decision

### **99. *The Governing Body decided to defer its consideration of the strategy for wider ILO engagement with the private sector until its 321st Session (June 2014).***

(GB.320/INS/5/1.)

## **An analysis of public–private partnerships (PPPs)** (GB.320/INS/5/2)

- 100.** *The Worker Vice-Chairperson* reiterated that ILO principles and values should be reflected in all PPPs and emphasized the need for greater participation of the social partners. Social dialogue, international labour standards and industrial relations should be core issues in PPPs. A much more proactive approach should be taken towards promoting the MNE Declaration in PPPs; for example, all companies wishing to establish a partnership with the ILO should discuss with the Office ways to include proposals for its implementation and promotion. While private entities could be proactive in the design, delivery and evaluation of PPPs, the Office should have managerial responsibility for the implementation of technical cooperation activities financed by PPPs. While he supported cooperation with the private sector, he did not support the privatization of the UN system and highlighted that UN member States are responsible for providing Official Development Assistance, not the private sector.
- 101.** The information provided by the Office on the implementation of PPPs between 2008 and 2013 would need to be further disaggregated in relation to the 19 outcomes. An evaluation of results would also be needed. Some areas of work, such as employment, microinsurance, child labour and Better Work had received substantial resources from PPPs. The Office should take a proactive approach to direct PPPs to other key areas of work, particularly international labour standards and labour relations, and reduce the imbalance among the 19 outcomes. Noting that the term “PPP” normally referred to partnerships between governments and the private sector, whereas at the ILO it was used to refer to partnerships between the ILO and non-governmental actors, he suggested that a different term could be found to avoid confusion. The Office should review the methodology for measuring the involvement of the social partners in PPPs.
- 102.** Arrangements to promote a more proactive approach in the field should adhere to the guiding principles on PPPs established by the Governing Body. An initial screening process involving ACTRAV and ACT/EMP to verify prospective partners’ eligibility to work with the ILO was essential. Next, the content of the proposed PPP should be approved, again with the involvement of the workers’ and employers’ representatives. An important component of evaluation was the proposals’ contribution to achieving decent work objectives, as well as the proposed participation of social partners. Strategic monitoring, including regular reviews and an assessment of the outcomes, was key. Companies must not use PPPs with the ILO to gain its stamp of approval, and then disrespect fundamental principles and rights at work. The ILO constituents needed to be engaged in the PPP strategic reorientation process. Collaboration with the Turin Centre was important with regard to capacity building.
- 103.** *The Employer coordinator* supported PPPs, as they were beneficial both for the ILO and businesses. The ILO could improve its decent work outcomes by engaging with business, and the measure of business contribution to the partnership would be the results achieved, such as employment generation or improvement of working conditions. For PPPs to be successful, there should be a sound business case and the potential for them to deliver benefits for all

partners. As underlined in the document, the business contribution should not be seen primarily in terms of fundraising, but also in terms of access to expertise, knowledge, resources and skills for PPPs' beneficiaries. Therefore, research projects, campaigning or advocacy, capacity building and training, and temporary placement of personnel were useful elements for PPPs. The voluntary nature of PPPs was critical to their success. Therefore, the ILO needed to be tuned in to companies' profiles and needs. Too rigid rules would hamper the development of PPPs. The fact that during the period under review PPPs had increased and had followed a programmatic approach was an achievement, and the Office could now address more outcomes. It also had to be noted that PPPs were not limited to enterprises but also covered foundations, think tanks, academia and other non-State actors. She agreed with the proposals made in the document for a more focused and proactive approach and the roles which should be taken by ACT/EMP and ACTRAV, which should be applied also to the enterprise initiative, to ensure coherence in the Office approach.

- 104.** *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that PPPs had become an effective way of delivering technical cooperation to ILO constituents, allowing for innovation, efficiency, productivity and cost-effectiveness. Although funding from PPPs had decreased, the number of partnerships had significantly increased. Since PPPs did not always come with financial contributions, this was what the ILO needed to implement technical cooperation programmes at the country level. He noted that it was positive that most PPPs were in the domain of employment generation, with a strong focus on labour standards and that Africa benefited from the highest concentration of PPPs. In subsequent reports, he would like more information on the effectiveness of the interventions, rather than on figures. The ILO should also devise a strategy to increase PPPs in regions that currently benefited least from them. On PPP collaboration in social dialogue, social protection and elimination of child labour, he appreciated the increase in results achieved from six, in 2008, to 14 outcomes, in 2013, and pointed to the need to deepen further engagement in more areas of activity, and to develop action plans and capacities.
- 105.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica highlighted the value added of PPPs and indicated that his region provided a favourable context to develop these initiatives both in areas that had already received the highest percentage of financial resources, including the fight against child labour and the improvement of employment policies, and those that could become higher priorities in the near future, including social security and SMEs. The increase in the number of PPPs since 2008 was a positive development. Continued tripartite participation in the implementation and evaluation of future PPPs was essential. He supported the proposals for a more targeted and proactive approach with the participation of tripartite constituents.
- 106.** *Speaking on behalf of IMEC*, a Government representative of Italy said that PPPs could promote knowledge and expertise sharing and pool resources for sustainable development. They could produce mutually beneficial gains for all. They could introduce innovations in the ILO and, at the same time, facilitate the incorporation of the ILO's values and goals into businesses. As indicated in the analysis, funding was not an objective in itself or the only indicator of engagement for PPPs. There had been an increase in PPPs since 2008, with a record peak in 2013, although funding had not increased. Thanks to its tripartite structure, the ILO was very well placed compared to other UN agencies, and should reinforce the positive trend. She strongly supported the proposals for a focused and more proactive approach, with the direct involvement of the field offices. The Office already had a well-defined clearance and review mechanism and the clearance procedure was sufficient to ensure the involvement of Employer and Worker representatives. The ILO should improve timely responses and avoid adding burdensome or unclear procedures. The Turin Centre should be fully involved in coordination, knowledge sharing, strategic monitoring and communication. It would be useful

to appraise the resources invested in the PPP strategy, to compare them with the return from concluded partnerships.

- 107.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Viet Nam appreciated the analysis and the fact that PPPs were established for exchanging added types of resources between actors rather than for funding. However, it would be useful to know whether the decrease in funding over the last two years was due to the economic crisis or other reasons. He recommended stimulating a more proactive approach by regional and country offices. He supported the proposals to refine the PPP strategy.
- 108.** *A Government representative of Switzerland* indicated that the projects funded by Switzerland needed to become sustainable and independent. For this purpose, it was crucial to have an efficient and agile system for PPPs, so that projects could be partially or fully funded by the private sector in the future. The ILO had concluded PPPs with Swiss companies, or based on projects supported by Switzerland, but the approval process was slow. It was important to have a unique PPP coordinating department, with experience and knowledge of all the ILO's products and an effective internal approval procedure with binding deadlines should be established.
- 109.** *A Government representative of the Republic of Korea* noted that the number of private actors engaging in partnerships with the ILO was on a steady rise and PPPs with companies made up the largest proportion of such partnerships. It was noteworthy that enterprises preferred country-specific initiatives to global level partnerships. Although further research might be needed to establish the reasons for that preference, it appeared that enterprises expected their initiatives to be visible and tangible. The ILO should fully consider enterprises' preferences when planning PPPs. The ILO should establish an action plan to strengthen the capability of its regional offices, to enable them to initiate more PPPs.
- 110.** *A Government representative of Argentina* supported the proposals to refine the PPP strategy. The proposal for a more targeted, systematic and proactive approach was particularly pertinent. In this regard, it was important to reinforce the field offices' role. Tripartite participation with regard to all aspects of PPPs was equally important.
- 111.** *A Government representative of India* said that expanding the role of the private sector allowed public agencies to tap into private sector technical and financial resources in new ways, both financial and non-financial. PPPs should take into account the diversity and socio-economic conditions of the constituents. The Indian Government was committed to improving the level and quality of its economic and social infrastructure services including through a substantive role for PPPs. She suggested that a refined ILO PPP strategy could be based on a sectoral approach. PPPs should focus, among other things, on skills enhancement in the least developed countries and emerging economies and on SMEs, to ensure that the most vulnerable part of the global workforce benefited from the ILO's Decent Work Agenda.
- 112.** *A Government representative of the Islamic Republic of Iran* indicated that the analytical information presented in the report effectively served the purpose of developing a more targeted, systematic and proactive approach to PPPs. She encouraged the Office to increase the PPPs in her region; deepen its engagement over further areas; develop regional action plans and capacities; further strengthen the quality appraisal mechanism; introduce more strategic monitoring of partnerships; and boost research, knowledge sharing and innovation through PPPs.
- 113.** *A representative of the Director-General (Director, Partnerships and Field Support Department (PARDEV))* highlighted that the existing procedure ensures that ACT/EMP and ACTRAV were actively involved and that ILO values and principles were respected in each

and every PPP. However, the procedure could still be improved, for example through a differentiated approach and introducing deadlines. In reply to the Workers' request for more disaggregated data on the specific 19 outcomes, he indicated that the PARDEV website would have a full listing of PPPs by outcome and also provide in-depth analyses. Training on PPPs would be arranged in 2014 for field offices to ensure their increased involvement. The Office had noted a growing interest of private companies and foundations in international labour standards in global supply chains and this was likely to become a priority.

## **Decision**

### **114. The Governing Body requested the Office to:**

- (a) implement, on the basis of the guiding principles, the proposals in paragraph 25 of document GB.320 /INS/5/2 for a refined PPP strategy; and*
- (b) report on progress in relation to such implementation no later than March 2016.*

(GB.320/INS/5/2, paragraph 26.)

## **Sixth item on the agenda**

### **Report on ILO activities in Myanmar (GB.320/INS/6(Rev.))**

**115.** *The Worker Vice-Chairperson* reiterated that a clear picture of the situation with regard to ILO activities in Myanmar was vital to gauge progress with regard to compliance with the Forced Labour Convention, 1930 (No. 29). However, the current report was merely an update on previously submitted summary reports, and did not enable meaningful conclusions to be drawn. The ILO should furnish a comprehensive report on its activities to the Governing Body in June 2014. Further information should be provided, in particular, on: how a rights-based approach was being applied; the involvement of trade unions in ILO projects; the attention being given by the ILO to conflict areas in view of the recent reports of cases of forced labour and of the forced recruitment of children by the military in those areas; the ILO's current, or anticipated, response to the problem of forced evictions; and why a project advisory committee involving the social partners did not yet exist. Reiterating his group's concerns about investment in the energy sector, he said that the ILO should help develop an independent public inspection system to ensure that forced labour did not occur during onshore oil and gas exploration projects, with unions playing a critical role. His group had also repeatedly voiced concerns about forced labour accountability, specifically about military officers avoiding sanction. The Office needed to furnish sufficient information on sanctions and detail the role the social partners played in its work against forced labour. He supported the extension of the Supplementary Understanding forced labour complaints mechanism.

**116.** After outlining the areas of particular concern for his group, which included the ineffectiveness of the Settlement of Labour Dispute Law and the arrests under the controversial Peaceful Assembly and Procession Act, he said that the ILO should work with the Government to identify priority reforms. Despite marked improvements, there remained shortfalls requiring urgent action. The Government should revise its legislation to be consistent with the ILO's Conventions and Recommendations.

117. *The Employer coordinator* said that the work of the ILO Office in Myanmar was extremely important. He trusted that the Director-General would make the necessary resources available without delay, to ensure that the Office's work had an impact.
118. *A Government representative of Myanmar* said that the Government and the ILO were effectively implementing the Joint Action Plan to eliminate forced labour by 2015, which included awareness raising. Subsequent to its ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), Myanmar was collaborating with the ILO on a project to eradicate child labour. The Government had established a land utilization committee with offices in various townships to resolve land ownership disputes. Since the enactment of the Labour Organization Law in March 2012, over 1,000 labour organizations had been established. Deliberations on minimum wages were under way following the adoption of the Minimum Wage Law in June 2013. The ILO and international donors were providing support for technical cooperation in eight areas under the "Decent Work – A Tool for Economic Development and Poverty Reduction" agenda. The Government welcomed foreign direct investment, while keeping labour rights a top priority. In December 2012, it had established an initiative to promote transparency and better management in extractive industries. Through a joint project with the ILO, the Government was focusing on the well-being and rights of its workers abroad.
119. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Norway, Serbia, Albania, Republic of Moldova and Georgia. She expressed strong support for the country's democratic and economic transition and welcomed the Office's activities in the country, in particular its emphasis on fundamental principles and rights at work. Noting that the participation of the social partners in building the institutions necessary for a modern, inclusive society was of the utmost importance, she said that the EU would help achieve the objective of eliminating all forms of forced labour by 2015 by contributing, among other things, to the creation of the best possible regulatory environment and promoting responsible investment. For example, it aimed to launch an investment agreement in 2014 in the context of the EU–Myanmar Task Force.
120. *A Government representative of Thailand* welcomed the progress achieved to promote socio-economic development, well-being, peace and national reconciliation and stressed the importance of maintaining momentum in that regard. He fully supported Myanmar's efforts and commended it on the tangible improvements in labour rights and growing cooperation with the ILO.
121. *A Government representative of the Russian Federation* noted with satisfaction that the Government had made a great deal of progress in a short space of time towards establishing modern labour relations and said that foreign investment had improved labour relations and strengthened Myanmar's economy.
122. *A Government representative of Viet Nam* welcomed the developments made in Myanmar, particularly those relating to the elimination of forced labour, awareness raising, freedom of association, social security, and the drafting of new laws.
123. *A Government representative of the United States*, observing that there was movement in the right direction with regard to the elimination of forced labour, commended the Government of Myanmar on its recent ratification of Convention No. 182 and urged it to step up its efforts to address the remaining concerns in that area. The adoption of the Labour Organization Law and the Settlement of Labour Dispute Law were important steps forward, but significant work still had to be done to implement and enforce those statutes.

The Government should ensure adequate protection for workers seeking to form labour organizations prior to, and after, official registration. Transparent mechanisms should be established to document, implement and monitor decisions rendered by arbitration and conciliation bodies at all levels. It was important for the ILO to continue to assess and reinforce progress, particularly with regard to capacity building and training.

124. A *Government representative of Japan* commended the recent adoption of laws on a minimum wage, employment and skills development, and social security. His country was ready to draw on its own experience and cooperate with the Government of Myanmar and the ILO in tackling the remaining problems.
125. A *Government representative of the Islamic Republic of Iran* welcomed the progress made by the Government of Myanmar in protecting and promoting labour rights, and especially the ratification of Convention No. 182. He also welcomed the Government's three broad policy objectives of establishing sustainable peace, rural development and poverty reduction, and expressed appreciation of the Office's pursuit of its specific programme in Myanmar.
126. A *Government representative of India* noted that Myanmar was successfully implementing a programme of economic, social and political reform. He commended the Government's review of the social policy framework with community involvement, and its protection and promotion of labour rights. It should continue to engage with the ILO in technical cooperation activities, while the Office and member States should continue to extend technical assistance to Myanmar.
127. A *Government representative of Australia* welcomed the joint efforts made by the Government of Myanmar and the ILO to eliminate all forms of forced labour. He noted that the ILO technical assistance programmes initiated in Myanmar included expansion of the Tripartite Action to Protect and Promote the Rights of Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation (the GMS TRIANGLE project), which was supported by his country.
128. A *Government representative of China* noted that tangible progress had been achieved. Among other measures, he particularly welcomed the fact that the Government had undertaken awareness-raising activities to eliminate forced labour and established a complaint mechanism for the recruitment of child soldiers.
129. A *Government representative of Canada* welcomed the many positive steps taken together, by the ILO Liaison Office and the Government, and encouraged them to continue to work closely so as to maintain the momentum achieved to date.
130. A *Government representative of Sri Lanka* appreciated the significant progress made by Myanmar with regard to forced labour, freedom of association, ratification of Conventions and enactment of legislation.
131. A *Government representative of Indonesia* welcomed the efforts made by the Government to promote labour rights in Myanmar, in close cooperation with specialized agencies of the UN system, particularly the ILO. She noted that a full ILO programme had been introduced in response to identified Government priorities.
132. A *Government representative of the Bolivarian Republic of Venezuela* congratulated the Government on developing the ILO programme, especially with respect to the abolition of forced labour. He valued the progress made and the strengthening of trade unions and freedom of association.



133. *A Government representative of the Republic of Korea* welcomed the objective, jointly agreed by the Government and the ILO, to eliminate all forms of forced labour by 2015. Efforts to that end were gaining momentum, and the beginnings of substantive improvements were visible. The activities of the ILO Liaison Office had undoubtedly helped to enhance the capacity of constituents in the country.
134. *A Government representative of Cuba* recognized the usefulness of ILO's continuing support to Myanmar and took note of the considerable improvement in working conditions for the ILO Liaison Office.
135. *A Government representative of Cambodia* noted that Myanmar was implementing technical cooperation programmes in eight prioritized areas. Full implementation of those programmes would certainly lay the foundation for decent working conditions in the country.
136. *A Government representative of Switzerland* attached particular importance to strengthening respect for human rights and establishing peace. Capacity building was an essential stage for successful implementation of future activities, and her country would continue to support projects in that area, as well as those aimed at improving working conditions in the garment and tourism sectors.
137. *A representative of the Director-General* (Liaison Officer, ILO Liaison Office in Myanmar) confirmed that the strategy for the Office was focused on strengthening the regulatory framework, building capacity and raising awareness. Accountability was being heightened, but more remained to be done. Legislation concerning the harassment of workers was being considered by Parliament, and the Office was cooperating with the Government on a total of 18 bills that were in different stages of preparation. In-depth discussions were being held with the Government on the recognition of labour organizations.

### **Outcome**

138. *The Governing Body took note of the report on ILO activities in Myanmar (document GB.320/INS/6(Rev.)), and provided guidance thereon to the Office.*  
(GB.320/INS/6(Rev.), paragraph 43.)

### **Seventh item on the agenda**

#### **Belarus: Follow-up given to the recommendations of the 2004 Commission of Inquiry (GB.320/INS/7)**

139. *The Worker Vice-Chairperson* expressed deep concern about the situation of trade union and workers' rights in Belarus. The current State policy made trade union pluralism impossible since independent unions were marginalized, new organizations could not register and existing ones were losing their members due to a system of fixed-term contracts. The situation of Belarusian workers was worsening as they were pressured to join the State-controlled unions; the regime was clearly pushing towards a monopolistic trade union movement as the Federation of Trade Unions had lost any democratic elements; and the tripartite Council for the Improvement of Legislation on the Social and

Labour Sphere was not functioning. Under the current regime, the recommendations made by the Commission of Inquiry a decade previously might never be fully implemented; the Government's repeated statement that some were no longer relevant reflected its lack of commitment and disregard for the ILO. The ILO should maintain political pressure on the Government to induce a change of attitude, develop contacts with it to intensify national social dialogue and collective bargaining, and encourage the participation of independent unions in the tripartite Council, with a view to ensuring the implementation of the Commission of Inquiry's recommendations. He urged the Government of Belarus to develop concrete measures, to be assessed by the Committee on the Application of Standards in June.

- 140.** *The Employer coordinator* expressed regret that no significant progress had been reported in the implementation of the recommendations. It was positive that members of the tripartite Council viewed that body as a useful platform for discussing the recommendations; however, it had no agreed workplan or methods, it met irregularly, and disagreements on the agenda were frequent, making it difficult to solve issues brought to its attention. All efforts should be made to transform the Council into an effective forum with full tripartite active involvement.
- 141.** *A Government representative of Belarus* said that his Government's work with the ILO had led to stronger relations between constituents and the adoption of a number of measures to ensure the implementation of the recommendations. The Government and social partners had worked constructively with the direct contacts mission to enable it to carry out its tasks. The mission had attached particular importance to the work of the Council, which was a tripartite body and included representatives of Belarus's two main trade union associations. Not a single party of the Council had called into question the usefulness of the body – a direct result of the Government's commitment to trade union pluralism and social dialogue. The Government had received written confirmations from all trade unions and Employers' groups stating their readiness to work on the implementation of the mission's suggestions, and would shortly begin dialogue with the ILO on specific mechanisms.
- 142.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Norway and Republic of Moldova aligned themselves with her statement. Her group was committed to a policy of critical engagement with Belarus, but bilateral relations under the Eastern Partnership were conditional on Belarus's progress towards respect for the principles of democracy, the rule of law and human rights. Her group was concerned by the lack of progress towards implementation of the recommendations and by the new problems reported. She called on Belarus to amend, or repeal, legislation not in conformity with the right of workers to organize, and to eliminate obstacles to trade union registration, especially Presidential Decree No. 2. The Office should scale up its technical assistance to Belarus.
- 143.** *A Government representative of India* noted with satisfaction that appropriate steps were being taken by the Belarusian Government to implement the recommendations and, in particular, that the Council included the two trade union associations. India encouraged further dialogue and cooperation between the ILO and Belarus to resolve all outstanding issues.
- 144.** *A Government representative of the Russian Federation* said the direct contacts mission was a good opportunity to renew dialogue over Belarus. He applauded Belarus for the high-level reception given to the ILO mission, which demonstrated the country's willingness to cooperate. The recommendations had been adopted ten years earlier and

some had become less relevant; the registration of primary trade union organizations was no longer problematic. In addition, each State had its own procedure for reviewing normative legislation, particularly for controlling associations' finances, but that should not be interpreted as an infringement of freedom of association. He urged the tripartite constituents of Belarus to find joint resolutions to the outstanding issues at round table discussions.

- 145.** *A Government representative of the United States* appreciated that the Government had accepted the mission but was disappointed by its findings. The main underlying issues raised by the Commission of Inquiry had still not been resolved and new problems had arisen. He urged the Government to engage in meaningful and sustained cooperation with the ILO and hoped that it would be able to demonstrate that it had begun the necessary steps to implement the recommendations prior to the ILC in two months.
- 146.** *A Government representative of Cuba* welcomed the positive findings of the direct contacts mission and its proposals to enable Belarus to continue on a constructive path.

### **Outcome**

- 147.** *The Governing Body took note of the report and requested the Office to take into account the observations and guidance provided during the discussion.*

(GB.320/INS/7.)

### **Eighth item on the agenda**

#### **Report of the high-level tripartite mission to the Bolivarian Republic of Venezuela (Caracas, 27–31 January 2014) (GB.320/INS/8)**

- 148.** *The Employer coordinator* recalled that the reason for the mission was a complaint presented by the Venezuelan Federation of Chambers of Commerce and Manufacturers' Associations (FEDECAMARAS) and the IOE, alleging the violation of freedom of association under Convention No. 87, resulting in Case No. 2254 before the Committee on Freedom of Association. The complainants in this case alleged acts of violence and intimidation against FEDECAMARAS and its officials; seizure and recovery of estates and enterprises; the adoption of legislation violating Conventions Nos 87 and 98 and a lack of social dialogue and tripartite consultations. He expressed his appreciation to his fellow Officers for their active participation in the mission and to the Government of the Bolivarian Republic of Venezuela for having enabled the mission to take place. Before reaching its conclusions, the mission had met with various tripartite constituents. It had found that the Venezuelan Government's statement about a widespread inclusive dialogue did not equate to tripartite social dialogue as proclaimed by the ILO and covered issues that fell outside the scope of the ILO's mandate. The Office had offered the Government technical assistance with a view to set up criteria to determine the representativeness of employers' and workers' organizations. The report concluded that the Government must devise a plan of action with specific stages and time frames for engagement in tripartite dialogue in order to find solutions to settle all matters pending in Case No. 2254. The Government's devising of a plan of action in consultation with the social partners and

engagement in technical cooperation with the ILO would be viewed as an act of adherence, and a substantial step towards peace and social dialogue in the country.

- 149.** *The Worker Vice-Chairperson* also thanked the Government for its hospitality. Noting that the mission had fulfilled the mandate it had been given by the Governing Body, he recalled that the mission had also held meetings with trade unions, in accordance with the principle of tripartism. He welcomed the Government's statements that: it was open to reviewing all workers' complaints and allegations concerning the violation of trade union and collective bargaining rights; it was ready to continue to improve dialogue with employers' and workers' organizations; and it was open to receiving technical assistance. He reiterated that inclusive democracy, as enshrined in the 1999 Venezuelan Constitution, was not incompatible with the social dialogue enshrined in Conventions Nos 87 and 98. He endorsed, in particular: the need for a constructive approach to social dialogue to address the outstanding issues in Case No. 2254; the establishment of a regular tripartite round table on industrial relations and draft legislation; and the invitation to the Government to avail itself of technical assistance on representativeness. Furthermore, he expressed the hope that the Government would devise a plan of action to give effect to the mission's conclusions.
- 150.** *The Deputy Minister of Labour of the Bolivarian Republic of Venezuela* clarified that the reasons for the postponements to the mission on several occasions were out of the Government's control. Concerning the seven issues mentioned in paragraph 8 – six relating to alleged assaults and human rights violations and one relating to a lack of bipartite or tripartite social dialogue – he said that: (1) the police investigation had found that the attack on Ms Albis Muñoz had resulted from common criminality, had not been anti-union in nature and the trial of two suspects was under way; (2) the former President of FEDECAMARAS had not been investigated, prosecuted or called as a witness; (3) having spent much time with FEDECAMARAS, the mission had not witnessed any acts of violence against that organization; (4) seizures and recoveries were lawful and commonplace and did not represent persecution of trade unionists or of employers' officials; and (5) social dialogue was widespread in the country and only problematic with FEDECAMARAS, which had declined invitations to participate in all but one dialogue forum. The Government had made a commitment to establish bipartite dialogue with Worker representatives of the Governing Body to review all allegations on violation of freedom of association communicated to the mission. It had been unaware of new allegations from FEDECAMARAS, to which it would have responded.
- 151.** The Government would respond in due course to the mission report and to the offer of technical assistance. It was willing to engage in bipartite dialogue with FEDECAMARAS to settle the unresolved issues in Case No. 2254. As for tripartite dialogue, FEDECAMARAS must comply with the labour law governing the registration of the most representative organizations, and should take its place at the round table meetings involving other employers' organizations. The Government was already working on an action plan including four such meetings. He felt that the report prepared by the Office was not entirely impartial and failed to cover all aspects of the mission; he would submit a document providing a preliminary, detailed response to the report, and requested that that document be brought to the attention of the Committee on Freedom of Association in relation to Case No. 2254.
- 152.** *A Government representative of Costa Rica* said that the following countries aligned themselves with the statement: Argentina, Barbados, Brazil, Plurinational State of Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, and Uruguay. They welcomed the cooperation and information provided by the Venezuelan

Government. In particular, they took note of the measures taken against common criminality and violence, and the Government's assurances that the social partners were not specific targets of violence or of its land recuperation policies. They trusted that the pending judicial proceedings would be brought to court soon, that due compensation would be paid for recuperated lands, and that tripartite dialogue would be improved. They were confident that the Government would provide a detailed response to the report, and asked the Governing Body to ensure due follow-up.

153. *A Government representative of Algeria* noted the Venezuelan Government's willingness to combat violence. It would be advisable for the ILO to provide more technical assistance towards strengthening the social dialogue with Venezuelan employers and workers. He supported the referral of Case No. 2254 back to the Committee on Freedom of Association.
154. *A Government representative of Brazil* said that she was sure that the Venezuelan judiciary would swiftly investigate cases concerning acts of violence. She trusted that dialogue and collaboration would continue to be a salient feature of relations between the ILO and the Venezuelan Government, because all the social partners had to be heard in a balanced and transparent fashion when monitoring compliance with ILO standards.
155. *A Government representative of the Russian Federation* congratulated the Venezuelan Government and social partners on their constructive cooperation with the high-level tripartite mission. It was clear that the Venezuelan Government was taking the appropriate steps to investigate the acts of violence mentioned in the report and was willing to cooperate with the ILO. Technical assistance should be given to the Bolivarian Republic of Venezuela if its Government so requested. The mission report should be submitted for further consideration to the Committee on Freedom of Association without the inclusion of any new topics.
156. *A Government representative of Sri Lanka* said that the ILO should support the Venezuelan Government by offering whatever technical assistance it required to strengthen the process of social dialogue. The Governing Body should take note of all the statements made during the debate, pass on information regarding Case No. 2254 to the Committee on Freedom of Association and allow the Venezuelan authorities sufficient time to respond to the recommendations contained in the report.
157. *A Government representative of Cuba* commented that the Venezuelan Government's cooperation with the high-level tripartite mission was a token of its political will and commitment. It was clear from the statement of the representative of the Venezuelan Government that the latter was prepared to pursue its action on the matters referred to in the report.
158. *A Government representative of India* was pleased to note the support given to the high-level tripartite mission by the Venezuelan authorities and that an inclusive social dialogue was being maintained. Due cognizance should be given to the Venezuelan Government's constructive engagement with the ILO.
159. *A Government representative of Egypt* said that the report of the high-level tripartite mission's visit to the Bolivarian Republic of Venezuela reflected the will of the country's Government to cooperate with workers' and employers' organizations to settle the points at issue. Respecting the decisions of the Venezuelan judiciary would be in the best interests of the tripartite constituents. The ILO should provide technical cooperation to support the Government's efforts.

- 160.** *A Government representative of Argentina* hoped that the national programme referred to in the report would make it possible to put an end to violence. He trusted that due legal process would be observed when dealing with Case No. 2254 in the Venezuelan courts. Social dialogue in that country should include representatives of FEDECAMARAS. Since the problems outlined in the report could be resolved only through dialogue and technical cooperation, he was in favour of referring the report and the replies of the Government of Venezuela to the Committee on Freedom of Association.
- 161.** *A Government representative of Lebanon* expressed the hope that the Venezuelan Government's intention to continue both its dialogue with workers and employers and the anti-violence programme would yield results in the near future. He noted the Government's commitment to improving the position of trade unions. Lastly, he trusted that the recommendations made to the Government would result in a speedy conclusion of Case No. 2254.
- 162.** *A Government representative of China* said that the Venezuelan Government should be given more time to study the recommendations contained in the report. The ILO should supply the Bolivarian Republic of Venezuela with technical cooperation to help it to comply with the Conventions in question.
- 163.** *A Government representative of the Islamic Republic of Iran* asked the Office to assist the Venezuelan Government to settle all the outstanding issues.
- 164.** *The Employer coordinator* said that proceedings in the case of Ms Albis Muñoz should not end in impunity for her assailants, and that there was apparently room for discretion in expropriation matters. He noted some ambiguities and contradictions with regard to recognition of the representative nature of FEDECAMARAS which should not exist. Some of the contentions of the representative of the Venezuelan Government did not square with the findings of the report. Social dialogue and technical cooperation offered the best solution to the outstanding problems, which had to be tackled without delay in the best interests not only of the tripartite constituents in the Bolivarian Republic of Venezuela but also of the international community. His group therefore urged the Government to propose a plan of action in consultation with the social partners and with the technical cooperation of the ILO in order to resolve all the issues which had given rise to Case No. 2254.
- 165.** *The Worker Vice-Chairperson* said that the measures outlined in paragraph 54 of the report were vital. The round table should have an independent chairperson. The Government would be well-advised to avail itself of technical assistance with issues related to the representative nature of FEDACAMARAS. His group advocated the implementation of the plan of action and asked the Governing Body to support that recommendation.
- 166.** *The Deputy Minister of Labour of the Bolivarian Republic of Venezuela* said that his Government was favourably inclined to the plan of action proposed in paragraph 54 of the report. It would welcome technical cooperation provided that it was consonant with the country's Constitution. He would immediately discuss a plan of work with the trade unions and all the many other parties to the ongoing dialogue. The case of Ms Albis Muñoz, which concerned an ordinary crime, was being handled by the courts. FEDECAMARAS was not an officially registered organization and could not therefore be regarded as more representative than another. He hoped that if Case No. 2254 were referred back to the Committee on Freedom of Association it would resolve many of the issues.
- 167.** *Speaking on behalf of 16 countries in GRULAC*, a Government representative of Costa Rica said that the following countries supported an amendment to the decision: Argentina, Plurinational State of Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic,

Ecuador, Guatemala, Mexico, Nicaragua, Peru, El Salvador, Trinidad and Tobago, Uruguay and Bolivarian Republic of Venezuela. The amendment sought to align the decision with the report of the high-level mission, proposing the following wording in subparagraph (b):

- (b) invites the Government of the Bolivarian Republic of Venezuela to consider the recommendations contained in the report of the high-level tripartite mission and, within that framework, prepare a plan of action, in consultation with the national social partners; and requests the Director-General to provide the necessary assistance requested by the Venezuelan Government for that purpose;

- 168. *Government representatives of Algeria, Egypt and Cuba* said that their Governments supported the amendment submitted by GRULAC.
- 169. *A Government representative of Viet Nam* encouraged the Venezuelan Government to continue to work with the social partners to address the challenges still remaining and called on the ILO to strengthen its technical assistance in that process. His Government supported the amendment submitted by GRULAC.
- 170. *The Employer coordinator* said that in view of the seriousness of the situation in the country, which dramatically affected the activity of both employers' and workers' organizations, his group could not accept any softening in the request for action to the Venezuelan Government. The decision went beyond the case in question to the core principles and values of the ILO. His group therefore supported the original draft decision, requesting the ILO to pursue the matter coherently and efficiently, and to employ the relevant supervisory tools if progress was not observed in the short term.
- 171. *The Worker Vice-Chairperson* said that his group supported the original draft decision, which provided the greatest coherence with the conclusions of the high-level mission.
- 172. *The Worker Vice-Chairperson* underscored the fact that the amendment proposed by his group simply invited the Government of the Bolivarian Republic of Venezuela to develop and implement a plan of action in consultation with national social partners and requested the Director-General to provide the required assistance.
- 173. *The Employer coordinator* said that, in view of the serious situation in the Bolivarian Republic of Venezuela, his group could not support any softening of the recommendations in the report. It supported the draft decision put forward by the Officers of the Governing Body, as amended by the Workers' group.
- 174. *Speaking on behalf of 16 countries in GRULAC*, a Government representative of Costa Rica wondered if a decision could be adopted solely on the strength of support from the Employers' and Workers' groups, without taking account of governments' views. Governments had not had time to study and hold consultations on the new proposal, on which there appeared to be no consensus.
- 175. *A Government representative of Germany*, also speaking on behalf of the Netherlands, endorsed the current draft decision as it stood.
- 176. *A Government representative of the Bolivarian Republic of Venezuela* said that there was no consensus on the text of the draft decision before the Governing Body and that paragraph 46 of the rules applicable to the Governing Body referred solely to consensus and made no mention of a majority. The decision taken should be consistent with those rules, in particular with paragraph 46 thereof. His Government did not accept the formulation of the draft decision as it stood. Paragraph 54 of the report recommended the

establishment of a tripartite committee, the main purpose of which would be to hold consultations on any new labour, social or economic legislation. That obviously constituted a grave infringement of the country's sovereignty.

- 177.** *A Government representative of the Russian Federation* said that his delegation had been willing to support the text of the decision officially circulated by GRULAC. It did not support the current decision as it stood.
- 178.** *Speaking on behalf of Denmark, Finland, Norway and Sweden*, a Government representative of Denmark endorsed the comments of Germany, the Netherlands, the Workers' group and the Employers' group.
- 179.** *The Director-General* said that, in the absence of consensus, a decision could be adopted by the majority. The support of the Workers and Employers and of several regular Government members of the Governing Body provided a clear majority in favour of the draft decision put forward by the Officers of the Governing Body, as amended by the Workers' group.

## **Decision**

### **180. The Governing Body:**

- (a) *took note of the information contained in the report of the high-level tripartite mission to the Bolivarian Republic of Venezuela (27–31 January 2014) and thanked the mission for its work;*
- (b) *urged the Government of the Bolivarian Republic of Venezuela to develop and implement the plan of action recommended by the high-level tripartite mission in consultation with national social partners and requested the Director-General to provide the required assistance to that end;*
- (c) *submitted the report of the high-level tripartite mission to the Committee on Freedom of Association for its consideration in the framework of the next examination of Case No. 2254 at its meeting in May–June 2014.*

(GB.320/INS/8.)

- 181.** *A Government representative of the Bolivarian Republic of Venezuela* drew attention to the fact that his country had been one of the founding members of the ILO. There was no overwhelming consensus on the text just adopted. Did the countries which had been in favour of that text have a supralegisative body? In his country the only body which could draft and adopt laws was the legislature. A consultative tripartite committee could not do so. Yet that was what the text which had been adopted required. His Government could not apply the text because it was unconstitutional and the rules applicable to the Governing Body had not been respected. In the dialogue currently under way in the Bolivarian Republic of Venezuela, FEDECAMARAS was in the process of agreeing on a plan of action different to that proposed in the decision. Was it therefore necessary to suspend that process and to tell FEDECAMARAS to leave the negotiating table?
- 182.** *A Government representative of Cuba* noted with sadness that it had not been possible to achieve consensus. His Government maintained its support for the amendment proposed by a large number of countries in GRULAC.



183. *The Director-General* assured the members of the Governing Body that they could have the fullest confidence in the integrity and impartiality of all ILO staff at all times. He had that confidence. It was his responsibility to ensure that the standards of performance expected of the Organization were respected and applied.

## Ninth item on the agenda

### **Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution (GB.320/INS/9)**

184. *The Special Representative of the Director-General for Guatemala* provided an update to the report and noted that while efforts in relation to social dialogue were being made, improvements were still necessary. The Public Prosecutor had requested that the ILO continue to conduct training for officials and investigators on International Labour Standards. The Ministry of the Interior had recently introduced the 22 new investigators at the trade union round table that would cooperate with the Public Prosecutor's Office in the investigations concerning acts of violence against trade union leaders. In recent days, the Office had received reports alleging anti-union practices in state organs. There was an urgent need to increase awareness in the public sector of the principles of freedom of association, and the Government must exemplify them. With the support of the international community, awareness-raising and training activities had taken place. In the following months, the committee for dispute settlement in areas of freedom of association and collective bargaining would initiate its activities, with the support of the Office.
185. *The Worker Vice-Chairperson* highlighted that while there was a commitment to break the cycle of impunity, no arrests had been made since the signing of the Memorandum of Understanding; the Government had provided identical information on arrest warrants, as it had in September 2013, and little progress had been made on verdicts. The 16 new murders that had taken place since 2012 should be included in the investigations. The joint agreement between the Public Prosecutor's Office and trade unions had helped build trust and create a direct channel for unions. However, the group urged the President of Guatemala to choose a successor to the current Chief Public Prosecutor based on independent criteria and impartiality. It was satisfied with the signing of the cooperation agreement between the Public Prosecutor's Office and the International Commission against Impunity in Guatemala (CICIG) and hoped that progress and preliminary results would be reported to trade unions. There was still a great need for the protection of union officials and workers under threat. The telephone hotline had not yet been set up. He commended the Guatemalan trade unions for continuing to believe in the opportunity to engage in dialogue. The final provisions of the Ministry of the Interior's protocol on the security of human rights defenders had the full support of the trade unions. The group expected the measures to take immediate effect. Regarding bringing legislation into line with Conventions Nos 87 and 98, the group hoped that the Government and employers would soon respond to a proposal submitted by the workers to the Tripartite Committee on International Labour Affairs. The Government of Guatemala had breached an important commitment it had made to the ILO by not allowing labour inspectors to impose

administrative penalties. He was concerned that the mediator to the committee for dispute settlement had not yet been appointed and that the Government had not allocated sufficient resources for the functioning of tripartite organs. He called on the international community to facilitate the necessary resources to help implement the Memorandum of Understanding and the roadmap. While the group agreed to defer the decision on the Commission of Inquiry, it expected progress to be made on the roadmap implementation by November 2014.

- 186.** *The Employer coordinator* stated that the document showed that the Government of Guatemala was moving towards a solution and was showing renewed efforts in completing the roadmap and promoting trade union freedom. It was identifying groups of criminals that were generating violence which jeopardized the work of the ILO. He agreed with the Workers that the Government must continue reforming legislation and strengthening social dialogue. Contrary to what had been said by the Workers, he had been informed that the mediator for the committee for dispute settlement had indeed been appointed.
- 187.** *The Government representative of Guatemala* (Minister of Labour and Social Security) said that labour legislation, decent work, respect for trade unions and collective bargaining must become a reality, reiterating that his country had collaborated with the CICIG to combat impunity, created a permanent dialogue forum to exchange information on investigations and trained prosecutors on anti-union crimes. It had set up a committee for the analysis of attacks against human rights defenders, with four of the 20 investigators specifically assigned to crimes against trade unionists. It had increased the number of labour inspectors, leading to positive results, especially in enforcement.
- 188.** The Government had conformed to the roadmap and timeline on legislative matters and had presented to Parliament the draft reforms to the Labour Code and hoped that it would adopt them soon. Discussions on draft reforms to bring domestic legislation into line with ILO Conventions continued, but often lacked a quorum. He urged Worker and Employer representatives to expand their knowledge so that representative legislative solutions could be found. There had been an increase in fines paid for labour law violations and cases of non-compliance with court rulings could be prosecuted for disobedience. The Supreme Court, in compliance with the roadmap, had submitted draft reforms to Congress with the aim of improving the training of officials involved in administering labour law, and strengthening control and penalty measures. Good practices related to social dialogue and collective bargaining were being diffused via forums, with considerable success. He referred to the creation of the committee for dispute settlement and the recent unanimous appointment of its mediator. Such elements underpinned a national campaign towards the promotion of a culture of respect of these issues.
- 189.** As for the labour market, 80 per cent of total employment was informal, creating difficulties for decent work and trade unions, and an environment of non-compliance with legislation. An increase in formal, decent employment and stable enterprises would lead to respect for freedom of association and collective bargaining, and would benefit the State in increased tax revenues, enabling it to ensure peace and development. The Government planned to focus on revitalizing the labour market and promoting decent work, without losing sight of the fight for compliance with the law and respect for workers' rights. He requested support from the ILO, acknowledging how essential the Organization's contribution and support had been in the results achieved, particularly the presence of the Special Representative of the Director-General in Guatemala.
- 190.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica noted with satisfaction the various measures being taken to implement the roadmap and confirmed that her group had been informed that the draft revisions to the Labour Code were being

analysed by the social partners, but that agreement had not been reached on a unified text. She urged the tripartite constituents to continue their dialogue. GRULAC also noted that the judiciary was building capacity and developing mechanisms for verifying the enforcement of rulings. She welcomed the information campaign that had been launched and encouraged the tripartite constituents to participate actively in all stages of the campaign. She commended the constituents on the agreement reached concerning the appointment of a mediator to the committee for dispute settlement in the areas of freedom of association and collective bargaining. She called on all sectors to continue working jointly on implementing the roadmap.

- 191.** *A Government representative of the United States* said that it was dismaying to see that developments in relation to pending problems had not taken place at the desired pace. There were several areas in which compliance with the roadmap and time line had not been achieved: the Labour Code had still not been brought into conformity with the recommendations made by the ILO supervisory bodies; there was a lack of evidence that labour law violations were being remedied within the prescribed time frames; the budget allocation requested for labour inspection in 2014 appeared to represent a decrease from the previous year; there remained a widespread lack of compliance with labour court orders and failure to sanction judges for not enforcing them; the roadmap failed to address the issue of preventing irregular workplace closures; and there was a lack of progress in the Government's efforts to develop a more effective programme for protecting union members against violence. Unless significant progress was made before the 322nd Session of the Governing Body, serious consideration must be given to the appointment of a Commission of Inquiry at that time.
- 192.** *A Government representative of Cuba* thanked the Minister of Labour and Social Welfare of Guatemala for the information he had provided about the follow-up action being taken, including cooperation with the ILO.

### **Decision**

- 193.** *In light of the information contained in document GB.320/INS/9, and its appendix, the Governing Body decided to defer the decision on the appointment of a Commission of Inquiry to its 322nd Session (November 2014) and to place this item on the agenda of its 322nd Session (November 2014).*

(GB.320/INS/9, paragraph 8.)

## Tenth item on the agenda

**Follow-up to the resolution on the trade union situation in Fiji, adopted by the Governing Body at its 316th Session (November 2012) (GB.320/INS/10)**

## Eleventh item on the agenda

**Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution (GB.320/INS/11)**

194. *The Chairperson* proposed that the tenth and 11th agenda items, both concerning Fiji, be considered together. Before opening the discussion, she proposed the adoption of the draft decision in paragraph 6 of GB.320/INS/10.

### **Decision**

195. *The Governing Body decided to include the discussion of the issues raised by this item in relation to the trade union situation in Fiji for consideration within the framework of the complaint against the Government of Fiji (document GB.320/INS/11). Please see the decision taken under item 11.*

(GB.320/INS/10, paragraph 6.)

196. *The Worker Vice-Chairperson* said that the Workers would favour the appointment of a Commission of Inquiry. Since the article 26 complaint had been filed against the Government of Fiji in June 2013, the regime had engaged in blatant violations of freedom of association. A strike voted for overwhelmingly by the Fiji Sugar and General Workers Union had been called off in the wake of threats and intimidation from the management, the police and the military. The scope of the Essential National Industries (ENI) Decree had been extended with apparent anti-union motives. The President of the Fiji Trades Union Congress (FTUC) had been arrested for instigating an unlawful strike; the resulting charges had been subsequently dropped but previous extradition charges against him still stood. Such reprehensible behaviour showed contempt for the ILO and its constituents. The reality in Fiji was very different from that depicted by the Government, which had no grounds for refusing a Commission of Inquiry. The Government had failed to act on the request of the Committee of Experts to conduct an investigation into acts of assault and intimidation against various trade unionists, including Mr Felix Anthony, who was attending the present meeting. Nor had the Government taken the requested steps to drop all charges that had been brought in connection with legitimate trade union activities. Some trade unionists were still subject to restrictions. The trade unions in general had now

been effectively excluded from the political process as a result of the Political Parties Decree. Parts of the new national Constitution could be invoked to severely limit fundamental labour rights. The Government of Fiji had been given every opportunity to take appropriate action and, having failed to do so, clearly viewed trade unions and the international community with contempt. With apologies for its lateness, the Worker Vice-Chairperson proposed a new draft decision, which read as follows:

In the light of the continuing concerns regarding the trade union situation in Fiji, the Governing Body:

- (a) once again calls on the Government of Fiji to accept the ILO direct contacts mission under the previously agreed terms of reference, which are based on the conclusions and recommendations of the ILO Committee on Freedom of Association on Case No. 2723;
- (b) if the direct contacts mission does not take place in time for a report to the 322nd Governing Body session in November 2014, then the 322nd Governing Body session will appoint a Commission of Inquiry under article 26.

**197.** *A Worker member from Fiji* recalled the previous efforts of the Governing Body to have the Government of Fiji accept a direct contacts mission. The Government had also been urged by the Governing Body to amend the ENI Decree to bring it into line with Convention No. 87, but instead it had increased its scope. The Government's claim that the Decree was in line with international standards was unfounded. It had also failed to act on the comment by the Committee on Freedom of Association that the Employment Relations Promulgation of 2007 should be amended. The Public Emergency Regulations had been replaced, and expanded, by the Public Order (Amendment) Decree of 2012. Among other things, that Decree provided that the courts had no jurisdiction to hear claims challenging the validity, legality or propriety of any decision made by a public officer; imposed a penalty of five years' imprisonment for holding an unauthorized public meeting; conferred extensive police powers to refuse permits for such meetings; and redefined terrorism, which could now incur life imprisonment. The Political Parties Decree amounted to a denial, not just of freedom of association, but also of freedom of expression. Decisive action was required from the Governing Body, since adopting a similar recommendation to the previous one would be counterproductive. The election in Fiji had no bearing on the Government's capacity for immediate action; its claims that it was too busy to act because of the election process were unfounded, since it clearly had enough time to attend Governing Body sessions precisely in order to present those claims.

**198.** *The Employer coordinator* recalled that, one year previously, a direct contacts mission had been to Fiji but had been expelled. The question was really whether the Government had acted reasonably by not having already accepted such a mission in the country. A direct contacts mission was needed sooner rather than later. He looked forward to the mission report; any subsequent steps needed to be taken in an informed way. There were no grounds for allowing the Government of Fiji to accept a direct contacts mission at a time of their choosing; rather, it was for the Government to allow what had previously been decided by the Governing Body to occur in full freedom.

**199.** *A Government representative of Fiji* said that his Government was still prepared to accept a direct contacts mission following its general elections in September 2014. The ILO could send a senior official to assist the Fijian Government with its preparations for the direct contacts mission, including the finalization of the terms of reference, to ensure that the direct contacts mission could achieve its objective. During their visit to Fiji, the senior official could also assist the Fijian Government in developing and adopting a DWCP in consultation with the social partners. All matters concerning the direct contacts mission and the DWCP could be submitted to the Governing Body for endorsement and adoption at

its June 2014 session. The report of the direct contacts mission could be submitted to the Governing Body at its November 2014 session.

- 200.** The preparations for the general elections included the establishment of an independent electoral commission responsible for registering voters and ensuring free and fair elections. His Government was also finalizing the electoral laws, which would be published in the near future. So far, more than 540,000 out of approximately 600,000 eligible voters had been registered in Fiji and abroad. Members of the public could access the National Register of Voters to verify and correct their personal details. The Register had also been made available to the four registered political parties. The general elections would take place under a new voting system based on proportional representation. The electoral commission was responsible for raising awareness of the elections and appointing a supervisor of elections.
- 201.** It was also necessary to prepare the country's parliamentary machinery for the first sitting of Parliament after the general elections. The new location of the Parliament complex had been identified and construction works would soon begin. Countries including Australia, India and New Zealand had pledged to assist the Fijian Government in that endeavour. In view of the new requirement for public officials to step down if they intended to contest the general elections, the Prime Minister of Fiji had stepped down as the Commander of the Fijian military.
- 202.** To carry out a direct contacts mission or to establish a Commission of Inquiry in Fiji at the present time would be inappropriate, as the current political climate would make it difficult to guarantee their independence and impartiality. Moreover, aspiring candidates could take advantage of the ILO's presence to gain political advantage and undermine the electoral process. In 2014, government employees had received pay rises of up to 23 per cent. Reforms had been carried out to preserve and create jobs, to sustain industries essential to the Fijian economy and to improve living standards. The Fijian Government had also lowered the income and corporate taxes payable by nearly all Fijians and increased the income tax threshold so that low earners were exempt from income tax. A national minimum wage had been introduced in March 2014. The Ministry of Labour had recruited and trained 18 additional labour inspectors to help enforce the new national minimum wage.
- 203.** The Fijian Government had taken significant steps to review and modernize current policies, labour laws and practices in view of the comments of the Committee of Experts on the Application of Conventions and Recommendations and was in the process of bringing domestic legislation into conformity with ILO Conventions. A tripartite social dialogue process had been launched under the auspices of the Employment Relations Advisory Board. The tripartite constituents had agreed with nearly all the proposed amendments to the Employment Relations Law. The revised Law would improve the social protection afforded to Fijian workers. The compensation scheme for workers was currently being reviewed with a view to implementing a no-fault social security scheme that would cover all workers for injury or death at work.
- 204.** Certain trade unionists in Fiji were using workers' rights, the ILO and its Governing Body to further their personal agenda. The claims of alleged violations of Convention No. 87 and the lobbying for Fiji to receive a direct contacts mission only began when the trade unionists, Mr Felix Anthony and Mr Daniel Urai, were removed from their positions as board members of the Fiji National Provident Fund and Natadola Bay Resorts Ltd owing to serious governance issues. The ILO should not stand by and allow individuals to use their personal agendas to trample on workers' and employers' rights. The trade unionists who purported to protect and promote Fijian workers' rights and freedoms represented less

than 30 per cent of the formal employment sector. The complaints filed against Fiji contained serious misconceptions and inaccuracies. All complaints concerning alleged assault and physical attacks filed with the police were investigated. The police and the Office of the Director of Public Prosecutions took independent decisions as to whether charges were to be laid. The decisions were informed by whether there was sufficient evidence to secure a conviction and by whether it was in the public interest to prosecute. Only the Director of Public Prosecutions could take decisions on the appropriateness of charges. It had decided to drop the charges laid against Mr Daniel Urai on evidence-related grounds.

- 205.** As to the Public Order Amendment Decree, a permit was only required for meetings in public places for the purpose of closing roads and deploying law enforcement officers. Trade union meetings had been taking place without hindrance. Any call to amend or repeal such decrees or any other law would be premature, as the incoming Parliament would have the authority to do so. Under section 16 of the Constitution, any trade union official could challenge the limitations of prescribed laws, such as decrees and acts of Parliament, before an independent and impartial court, and that court would determine what limitations were reasonable. Any individual could participate in, or stand for, elections in Fiji. However, individuals in public office had to step down to be able to do so. The FTUC's argument that section 6(5) restricted the rights and freedoms guaranteed by the Bill of Rights so that workers' rights could be crushed was erroneous and made in ignorance of human rights law.
- 206.** In the light of the progress that Fiji had made towards holding its first truly democratic elections and of the reforms it had carried out, he requested that the decision be deferred to the November 2014 session of the Governing Body. By then, the general elections would have taken place and a direct contacts mission would have visited Fiji and provided solutions to the problems facing the country.
- 207.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Norway and Republic of Moldova. The EU called upon the Fijian Government to honour its commitments on human rights and fundamental freedoms, and to respect democratic principles and the rule of law. It urged the Fijian Government to ensure that freedom of expression and assembly were respected. The Fijian Government should accept a direct contacts mission so that its report could be presented at the November 2014 session of the Governing Body. The Fijian Government should work with the ILO to organize the direct contacts mission far in advance and accept the visit of a senior ILO official to ensure that the mission was conducted in good time. The EU endorsed the draft decision as amended by the Workers' group.
- 208.** *A Government representative of Australia* said that the Government of New Zealand aligned itself with the statement. His Government continued to encourage Fiji to re-engage with the ILO. Fiji had made a firm commitment to receive a direct contacts mission following the general elections in September 2014. His Government had also noted Fiji's request for a senior ILO official to visit Fiji before September to assist with the preparations for the direct contacts mission. The Pacific Islands Forum ministerial contact group had welcomed Fiji's efforts to prepare for its general elections, including the registration of four political parties and around 540,000 voters, and the establishment of the independent electoral commission. His Government welcomed the fact that the Prime Minister had stepped down as the Commander of the Fijian military to contest the elections as a candidate. Ministers had reiterated the need for all political parties to engage fully with the electoral process and had stated that it would be in Fiji's interest for

the fairness of the elections to be judged according to accepted international standards. The international community should be allowed to observe the elections to dispel any doubt as to their legitimacy. In view of the significant progress made by Fiji in the run up to its elections and towards restoring parliamentary democracy, his Government wished to amend the draft decision contained in paragraph 11 to reflect: Fiji's commitment to accept a direct contacts mission in sufficient time for its report to be submitted to the November 2014 session of the Governing Body; Fiji's willingness to receive a senior ILO official to assist with the preparations for the direct contacts mission; and the Governing Body's support for deferring the decision on a Commission of Inquiry until November 2014. Paragraph 12 of the draft decision should be deleted.

- 209.** *A Government representative of India* said that his Government welcomed the Fijian Government's commitment to accept a direct contacts mission from the ILO after its general elections. The fact that Fiji was preparing to hold its first democratic elections should be taken into consideration when adopting a decision. The consideration of complaints submitted under article 26 should be deferred until the November 2014 session of the Governing Body, by which time the direct contacts mission would have taken place and submitted its report. His Government endorsed the amendment proposed by Australia to defer the decision on a Commission of Inquiry until then.
- 210.** *A Government representative of Thailand* said that in view of the ongoing developments in that country, his Government supported Fiji's proposals to postpone the visit of the direct contacts mission until after its September 2014 elections and to receive a senior ILO official to prepare the direct contacts mission and to finalize its terms of reference. In the meantime, Fiji should continue to inform the ILO of progress made in the area of freedom of association. Accordingly, the consideration of the appointment of a Commission of Inquiry should be deferred until the 322nd Session of the Governing Body. His delegation supported the amendment submitted by Australia.
- 211.** *A Government representative of the Russian Federation* appealed to the Government of Fiji to adopt urgent measures to ensure the respect of fundamental rights at work. To that end, it was important to establish constructive dialogue with the ILO, namely through a direct contacts mission. His Government was convinced that the mission would not hinder the preparation of the national elections in Fiji. It was, however, willing to support the amendment submitted by Australia.
- 212.** *A Government representative of the United States* said that, despite the progress under way towards democracy, the violations of human and labour rights in Fiji were still of great concern. A direct contacts mission would provide a basis for constructive dialogue with a view to establishing the facts and finding appropriate solutions. The terms of reference of that mission should not be subject to negotiation, but should follow the original mandate established in 2012. Moreover, the development of a DWCP should wait to be informed by the results of the direct contacts mission. His Government recommended the appointment of a Commission of Inquiry at the current session, postponing the commencement of its work until November 2014. Nevertheless, it supported the amendment proposed by the Workers' group.
- 213.** *A Government representative of the Islamic Republic of Iran* said that in the light of Fiji's commitment to promote rights at work, his Government endorsed the amendment submitted by Australia.
- 214.** *A Government representative of Canada* said that he was concerned that the direct contacts mission had still not been carried out under its original terms of reference, demonstrating disregard for the decisions of the Governing Body. However, in view of the broader



context in Fiji and the need to support its move towards democracy, his Government supported the amendment submitted by Australia. Nevertheless, it could only be supported if the direct contacts mission had taken place in time to report to the 322nd Session of the Governing Body.

- 215.** *A Government representative of Japan* said that he was concerned that Fiji had not yet accepted a direct contacts mission, and hoped that it would do so at the earliest possible date and, in any event, in time to report to the Governing Body in November 2014. The appointment of a Commission of Inquiry should await the results of the direct contacts mission. He supported the decision as amended by Australia.
- 216.** *A Government representative of China* said that, in view of Fiji's willingness to cooperate with the ILO and the preparation of its elections, his Government supported the amendment submitted by Australia.
- 217.** *A Government representative of Australia* formally withdrew the amendments that his delegation had previously tabled to the draft decision, and proposed an amendment to the draft decision put forward by the Workers' group.
- 218.** *The Worker Vice-Chairperson* supported the amendments.
- 219.** *The Employer coordinator* supported the draft decision, as amended.
- 220.** *A Government representative of India* said that his delegation did not support the draft decision, which already pronounced a judgement for the 322nd Session. The decision on whether or not to appoint a Commission of Inquiry should be deferred until that session, on the basis of whether or not the direct contacts mission had taken place.
- 221.** *A Government representative of the United States* supported the draft decision as amended.
- 222.** *A Government representative of Japan* supported the amendment proposed by the Government of Australia to the draft decision proposed by the workers.
- 223.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy supported the draft decision as amended.

## **Decision**

- 224.** *In the light of the continuing concerns regarding the trade union situation in Fiji, the Governing Body:*
- (a) *called once again on the Government of Fiji to accept the ILO direct contacts mission under the previously agreed terms of reference, which were based on the conclusions and recommendations of the ILO Committee on Freedom of Association on Case No. 2723;*
- (b) *decided that, if the direct contacts mission did not take place in time for a report to the 322nd Session of the Governing Body (November 2014), then the 322nd Session should appoint a Commission of Inquiry under article 26.*

(GB.320/INS/11, paragraph 12, as amended.)

## Twelfth item on the agenda

### Reports of the Committee on Freedom of Association (GB.320/INS/12)

#### 371st Report

225. *The Chairperson of the Committee on Freedom of Association* said that the 371st Report covered 146 pending cases, 32 of which had been examined on their merits. In Cases Nos 2765 (Bangladesh), 2786 (Dominican Republic), 2871, 2896, 2923, 3007, 3008 and 3013 (El Salvador), 2708, 2948, 2967, 2978 and 2989 (Guatemala), 3018 (Pakistan), 3019 (Paraguay), 3021 (Turkey), 2968 and 2917 (Bolivarian Republic of Venezuela), 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 appealed to them to transmit their comments as a matter of urgency.
226. The Committee discussed its impact, visibility and working methods. It continued to highlight its concern in instances where it was obliged to examine cases in the absence of a Government reply and called upon the Office to take action to re-establish dialogue with the Governments concerned so that it could carry out its work in full knowledge of the facts. The Committee welcomed the efforts made by the Office to improve the impact of its reports through press releases and the ILO website. With regard to the increasing workload and the effective use of its procedures, the Committee highlighted the principles of universality and equal access to its complaints mechanism that underpinned its work and recalled the importance of its *Digest of decisions and principles of the Freedom of Association Committee*. Lastly, he asked the Office to continue to give high priority to the capacity building of governments and social partners and to foster the further development of national complaints mechanisms.
227. With regard to the follow-up given to the recommendations of the Committee, 19 cases had been examined in which the Governments had kept it informed of the measures taken to give effect to its recommendations. The Committee welcomed an agreement reached between a university and a union to engage in good faith voluntary collective bargaining on behalf of graduate teaching assistants, which had been the subject of Case No. 2547 (United States). The Committee further noted, with interest, in cases concerning Peru, the setting aside of charges that had been brought against strikers (Case No. 2854), the signing of a collective agreement (Case No. 2900) and the reintroduction of check-off facilities and trade union leave (Case No. 2915).
228. The Committee wished to draw to the attention of the Governing Body two serious and urgent cases, namely Cases Nos 2508 (Islamic Republic of Iran) and 2982 (Peru). The first case concerned allegations of harassment and arrest of trade union leaders and members, which dated back to 2006. The Committee expressed its deep concern for the state of health of Mr Reza Shahabi, the Treasurer of the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH) and urged the Government to secure his pardon and immediate release, the dropping of any remaining charges, the restoration of his rights and the payment of compensation for damage suffered. It requested the Government to report to it on the outcome of the independent investigations carried out into the allegations of ill treatment of Mr Shahabi and Mr Madadi, Vice-President of the SVATH union. Lastly, it asked the Government to take concrete steps for the de facto recognition of the SVATH union and welcomed the Government's request for ILO technical cooperation to train its

disciplinary forces in the proper management of labour protests, expecting that the Government would engage with the Office in that respect without delay.

- 229.** The second serious and urgent case concerned Peru (Case No. 2982). The allegations related to the murder of three union leaders and three union members in the civil construction sector, as well as to a climate of violence, threats and extortion by criminal mafia groups in pseudo-unions. The Committee expressed concern about the seriousness of the allegations and expected that the criminal investigations would lead to the identification of all the perpetrators and instigators of the murders and would ensure that those found guilty were severely punished. While appreciating the measures taken by the Government, the Committee invited it to continue taking measures in the framework of the existing tripartite dialogue to eradicate the intolerable situation of violence. Given the divergence of views as to the cause of the violence between the Government and the complainants, the Committee suggested that the Public Prosecutor's Office should be instructed to conduct a thorough investigation into the reasons for the violence, those responsible for it and to follow up with penal action.
- 230.** *The Employer coordinator in the Committee* recalled the wide range of cases submitted to the Committee, which was due to the fact that freedom of association was a mandate with broad application as it was not limited solely to Governments that had ratified Conventions Nos 87 and 98, but to all member Governments.
- 231.** A number of the cases examined at the session were particularly pertinent to the Employers. In two cases relating to the Islamic Republic of Iran (Cases Nos 2508 and 2807), the Government had been invited on several occasions to take measures to bring its law and practice into conformity with the principles of freedom of association. The situation of Mr Shahabi was of particular concern and the Employers would like the Government to explain why it had not taken the requested measures. Case No. 2882 (Bahrain) was a serious case, rooted in the Arab Spring, relating to freedom of association and the right to express individual views of social and economic policy. While the Employers welcomed the steps that had been taken to resolve the cases, especially through tripartite agreements, it was regrettable that such framework agreements were necessary. Finally, in Case No. 2988 (Qatar), the Employers stressed that economic progress brought with it certain responsibilities, including in respect of international labour standards and especially the rights of freedom of association and collective bargaining. Considerable progress could be made in that case if the Government amended its legislation in the manner recommended by the Committee.
- 232.** Case No. 2947 (Spain) concerned the national response to the economic crisis. However, the Committee acknowledged the Government's intention to arrest the high unemployment rate and noted the scope that existed under freedom of association principles for responses to an economic crisis. Case No. 2655 (Cambodia) highlighted the difficulties encountered by the Committee where a long period had elapsed without a Government reply. A reply was required so that the case could be finally resolved as the lack of a reply interfered with the operations of the Authority concerned and the efficient working of the Committee. In contrast, in Case No. 2953 (Italy), the Government had provided a detailed reply, which had assisted the Committee in its deliberations.
- 233.** A disproportionately high number of cases related to Latin America. While some of the cases relating to Peru concerned relatively minor or isolated alleged infringements of freedom of association, Case No. 2982 was a serious and urgent case dealing with allegations of murder and violence in the construction sector. The Committee considered it positive that the complainant union was seeking global transparency on the issue and

expected the Government to do the same by conducting an investigation into the murders and acts of violence, whether they were inter-union in nature or not.

- 234.** Case No. 3037 (Philippines) was a further example of inter-union disputes, but quite an unusual case in that it related to freedom of association within a complainant organization. The Government was being asked to keep the Committee informed of the judicial processes that would determine the status of elections at the Trade Union Congress of the Philippines.
- 235.** The Employers deplored the fact that Case No. 3016 was being added to the numerous cases concerning freedom of association violations in the Bolivarian Republic of Venezuela. They hoped that the Government would move more swiftly than it had for previous cases, particularly given that as the high-level tripartite mission had submitted its conclusions there was no further reason to delay its responses.
- 236.** Finally, with respect to the impact, visibility and working methods of the Committee, the Employers remained concerned about the Committee's workload and the constant build-up of new allegations in existing cases. They remained keen for their decision-making to be of high quality and of relevance to the contemporary world of work. While many Governments collaborated with the Committee, those that failed to respond to its appeals constituted cause for concern. In closing, the speaker thanked the Committee members for their work and supported the adoption of the report.
- 237.** *The spokesperson for the Workers' group in the Committee* welcomed the fact that the issue of the Committee's working methods had been examined. He recalled that the guarantees contained in the Digest of decisions and principles were essential for the advancement of freedom of association and the rights of workers in general. It should not be forgotten that, although the Committee's reports often highlighted the difficulties faced by workers, the objective of the work was more generally to re-establish social dialogue and the fundamental rights of association and collective bargaining. The Workers hoped that the improvements proposed and the greater visibility of the Committee's conclusions would prompt the incriminated Governments to respond more rapidly to the recommendations addressed to them.
- 238.** In Case No. 2882 (Bahrain), the Workers welcomed the signature of the Tripartite Agreement but regretted that no progress had been made in respect of the very serious allegations of torture and ill treatment of the trade union leaders Abu Dheeb and Jalila al-Salman. Case No. 2988 (Qatar) was also extremely worrying and the Government should rapidly take the necessary measures to amend the provisions of its legislation to give effect to the fundamental principles of freedom of association and collective bargaining, in accordance with the Committee's conclusions.
- 239.** The situation in the Republic of Korea was addressed in two complaints submitted in Cases Nos 2620 and 1865 respectively, the latter dating back almost 20 years. The Committee yet again reiterated its previous recommendations and the Workers hoped that everything possible would be done to encourage the country to avail itself of ILO technical cooperation. Two cases related to the Islamic Republic of Iran, namely Case No. 2508, a serious and urgent case, where new allegations had been received, and Case No. 2807, which raised the matter of trade union pluralism. Once again it was imperative for the Government to comply rapidly with the Committee's recommendations.

240. Case No. 2982 (Peru) was another serious and urgent case, involving allegations of murder and threats against union leaders and members in the construction sector. Two other cases concerning Peru led the Committee to caution against the use of precarious contracts, which weakened freedom of association.
241. Case No. 2947 (Spain) again called attention to the fact that the economic crisis, resulting from the financial crisis, had had far-reaching negative repercussions for workers. Strengthening competitiveness through flexibility and by reducing labour costs jeopardized the collective bargaining process. For the Workers, a focus on social justice, giving priority to collective bargaining and tripartite consultation, would put the real economy back in its rightful position and revive production to lead the way out of the crisis. The ILO's recommendations should be fully recognized and applied, by both governments and by the organizations in the multilateral system.
242. In Cases Nos 2516 (Ethiopia) and 2913 (Guinea), the governments had shown a positive attitude, although further investigations were still necessary, namely in Guinea. In Cases Nos 3001 (Plurinational State of Bolivia), 2655 (Cambodia), 2963 (Chile), 2928 (Ecuador), and 3031 (Panama), the Governments were called upon to bring their legislation and practice into conformity with the principles of freedom of association and collective bargaining.
243. The Workers highlighted the fact that the governments must conduct enquiries into allegations of anti-union discrimination in enterprises, as in Cases Nos 2908 (El Salvador) and 2953 (Italy), and must refrain from any form of interference in the operation of trade unions and in trade union elections, as in Case No. 2979 (Argentina). They also stressed that it was not acceptable for requests for information by the Committee to go unanswered or for incomplete replies to be sent, and cited two cases concerning Paraguay by way of example. Finally, the Workers' group recommended the adoption of the Committee's report.
244. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica noted that a large number of the cases submitted to the Committee related to its region; in fact 76 of the 146 cases mentioned in paragraph 3 of the report and 120 of the 242 cases mentioned in the document concerned the regional group.
245. Freedom of association and the right to collective bargaining were widely recognized in the region and the vast majority of the countries had worked with ILO assistance to help promote those rights. GRULAC had always endeavoured to respond to the Committee's requests, as evidenced by the fact that 21 of the 27 observations received from governments were from the region.
246. With regard to the increasing workload and the effective use of the Committee's procedures, GRULAC welcomed the reference made to the three main elements listed by the Committee and mentioned in paragraph 19 of the report. Concerning the matrix of essential elements to be included in a complaint that the Office had been invited to prepare, GRULAC reiterated its previous observations and would give its views once the documents were available. It supported the preparation of a brochure presenting very clearly all the points relating to the receivability of complaints, containing definitions to explain the differences between interim reports and definitive reports, and explaining why closed cases could be reviewed by the Committee.
247. Lastly, GRULAC thanked the Office for its collaboration and the technical cooperation it had provided to a number of countries in the region, which had allowed them to put in place internal dispute resolution mechanisms.

## **Decision**

248. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–133, and approved the recommendations made in paragraphs: 153 (Case No. 2979: Argentina); 170 (Case No. 2987: Argentina); 194 (Case No. 2882: Bahrain); 212 (Case No. 3001: Plurinational State of Bolivia); 221 (Case No. 2655: Cambodia); 238 (Case No. 2963: Chile); 255 (Case No. 2620: Republic of Korea); 269 (Case No. 2992: Costa Rica); 294 (Case No. 2908: El Salvador); 316 (Case No. 2928: Ecuador); 465 (Case No. 2947: Spain); 481 (Case No. 2516: Ethiopia); 522 (Case No. 2749: France); 537 (Case No. 2203: Guatemala); 549 (Case No. 2913: Guinea); 569 (Case No. 2508: Islamic Republic of Iran); 579 (Case No. 2807: Islamic Republic of Iran); 626 (Case No. 2953: Italy); 639 (Case No. 3031: Panama); 654 (Case No. 2937: Paraguay); 669 (Case No. 3010: Paraguay); 704 (Case No. 2982: Peru); 732 (Case No. 2998: Peru); 743 (Case No. 2999: Peru); 765 (Case No. 3033: Peru); 813 (Case No. 3037: Philippines); 862 (Case No. 2988: Qatar); 887 (Case No. 2713; Democratic Republic of the Congo); 901 (Case No. 2797: Democratic Republic of the Congo); 925 (Case No. 2925: Democratic Republic of the Congo); 936 (Case No. 2892: Turkey); 972 (Case No. 3016: Bolivarian Republic of Venezuela); and approved in full the 371st Report of the Committee on Freedom of Association.*

(GB.320/INS/12.)

## **Thirteenth item on the agenda**

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

#### **Oral report of the Chairperson of the Working Party** (GB.320/INS/13)

#### **Improving the functioning of the International Labour Conference**

249. *The Employer coordinator and the Worker Vice-Chairperson supported the draft decision in paragraph 12 of the report.*
250. *Speaking on behalf of the Africa group, the Government representative of Niger supported the draft decision in paragraph 12.*
251. *Speaking on behalf of IMEC, the Government representative of Hungary regretted that the report, which contained a newly proposed draft decision on the review of the implementation of the Governing Body reform, had only been made available that morning. Progress had been made in the Working Party, though some issues still required further consultation. IMEC supported the draft decisions in paragraphs 12 and 20.*

## Decision

**252. *The Governing Body decided to:***

- (a) recommend to the Conference that it implement, on a trial basis, the proposed arrangements for the 103rd Session of the International Labour Conference as presented in document GB.320/WP/GBC/1;*
- (b) request the Office to prepare for its 322nd Session (November 2014);*
  - (i) an analysis of the arrangements trialled at the 103rd Session of the Conference;*
  - (ii) a detailed programme and tentative plan of work for the two-week session of the Conference that will be trialled in 2015;*
  - (iii) a consolidated summary of all proposals on which a tripartite agreement has been reached and of issues that require further consultations and discussion.*

(GB.320/INS/13, paragraph 12.)

## Review of the implementation of the Governing Body reform

**253.** *The Employer coordinator and the Worker Vice-Chairperson supported the draft decision in paragraph 20 of the report.*

**254.** *Speaking on behalf of the Africa group, the Government representative of Niger said that her group's position on the High-Level Section, as expressed during a previous discussion, had not been faithfully recorded in paragraph 17 of document GB.320/INS/13. Referring to the draft decision in paragraph 20, she said that her group supported points (a)(1) and (2) and (b)(1). Concerning point (b)(2), she stressed the importance of the lasting presence of the High-Level Section in the Governing Body structure, recalling the statement in document GB.310/9/1 on Governing Body reform to the effect that the High-Level Section would continue the Governing Body's role as a forum for global policy discussion and strategic guidance without allowing types of debate more appropriate to the ILC or other bodies. The Working Party on the Social Dimension of Globalization had proved its worth as a forum for dialogue between members and non-members of the Governing Body and external players. The Strategic Policy Segment enabled Governing Body members to hold discussions on relevant cross-cutting themes or recent trends of strategic interest for the ILO. Hence, there were grounds for holding the High-Level Section at least once a year, focusing on topical matters capable of generating interactive discussions. Her group supported points (c)(1)–(3) of the draft decision. Concerning point (c)(4), she urged the Office to take account of the difficult situation in certain regions in its pursuit of a paperless policy.*

## Decision

**255. *The Governing Body noted that relevant follow-up action should be taken by the Officers, the Tripartite Screening Group and the Office, as appropriate, with regards to the following issues identified in document GB.320/WP/GBC/2:***

- (a) *follow-up action to be taken by the Officers with regards to:*
- (i) *the process for consideration of the deferral of agenda items where the Governing Body has previously determined that an item be considered at its next session;*
  - (ii) *enhancing the role of the Officers and ensuring early communication of information submitted to the Officers' meetings;*
  - (iii) *ensuring greater fluidity of the Governing Body by adopting time-management procedures, strict observance of starting time of the sittings and the role of the Chairperson, Vice-Chairpersons and Government representatives in chairing parts of the meetings;*
  - (iv) *reviewing the mandate of the High-Level Section and making better use of both of the Strategic Policy Segment and of the more flexible setting of the Working Party;*
  - (v) *retaining the option of starting the Governing Body autumn sessions during the last week of October (as in 2014);*
- (b) *follow-up action to be taken by the Tripartite Screening Group with regards to:*
- (i) *the composition and timing of the Screening Group;*
  - (ii) *ensuring that the Governing Body agenda is a manageable size, that there are no duplications, that is, topics being debated in several sections and segments;*
  - (iii) *ensuring an appropriate balance between the number of items allocated to the various sections and segments;*
  - (iv) *structuring the agenda thematically;*
  - (v) *ensuring a governance-oriented approach and effective use of the respective mandates through appropriate planning and distribution between the sections/segments;*
  - (vi) *putting more emphasis in the Social Dialogue Segment on labour administration and labour law issues, and in the Technical Cooperation Segment on strategic policy issues; strengthening the agendas of the Employment and Social Protection Segment and Multinational Enterprises Segment to include more substantial items; convening the High-Level Section only when required and ensuring that its agenda makes more efficient use of the Strategic Policy Segment and of the more flexible setting of the Working Party on the Social Dimension of Globalization;*
  - (vii) *providing for sufficient time for group meetings;*



- (c) *follow-up action to be taken by the Office with regards to:*
- (i) *providing the Screening Group with an annotated list of agenda proposals for the following Governing Body, indicating clearly the rationale for each proposed item, any previous decisions to which they refer and the estimated time needed for the discussion of each item;*
  - (ii) *ensuring the same degree of involvement between the three groups, by communicating concurrently any change in the proposed list of items to all members of the Screening Group;*
  - (iii) *maintaining the institutional memory to ensure appropriate follow-up of previous Governing Body and International Labour Conference discussions;*
  - (iv) *providing advice to the Screening Group on the appropriate scheduling of Governing Body agenda items;*
  - (v) *communicating to the three groups, at an early stage, a tentative order of business for the entire Governing Body as well as a consolidated programme, including an assessment of the time required for the discussion of each item, to enable delegates to plan their attendance, and consulting with the three groups promptly when changes to the programme or the order of business are anticipated;*
  - (vi) *improving the process for submitting amendments to draft decision points, as well as the presentation of the proposed amendments;*
  - (vii) *ensuring the same degree of involvement for the three groups in preparatory discussions for Governing Body debates;*
  - (viii) *enhancing the consultation process through the Geneva-based Tripartite Consultative Group;*
  - (ix) *pursuing such initiatives as the organization of a one-day orientation seminar in Geneva for diplomats newly arrived in Geneva;*
  - (x) *ensuring that Governing Body papers are reader friendly and decision oriented;*
  - (xi) *continuing efforts to move toward a paperless policy;*
  - (xii) *giving consideration to extending the deadline for web posting the draft minutes due to the heavy workload of some sections.*

(GB.320/INS/13, paragraph 20.)

## Fourteenth item on the agenda

### Report of the Director-General (GB.320/INS/14)

#### Progress in international labour legislation and internal administration

##### *Outcome*

**256.** *The Governing Body took note of the information presented in document GB.320/INS/14.*

(GB.320/INS/14.)

##### **Obituaries**

(GB.320/INS/14(Add.) and GB.320/INS/14(Add.1))

##### **Mr Marc Blondel**

**257.** *The Director-General* said that Marc Blondel, a former Worker member of the Governing Body, had had a profound impact on the history of the Organization for two-and-a-half decades. Despite his passionate character and the directness with which he expressed firmly held views, he was never above engaging with the minutiae of the Organization. His commitment to the ILO was indeed deep. He was particularly remembered for his role in filing the complaint against the Government of Poland in 1982, leading to the launching of the Commission of Inquiry, characterized by Lech Wałęsa as a significant contribution to changing the history of Poland and of Europe, and in advancing democracy. While he was a most rigorous defender of the Workers' bench, he was deeply committed to tripartism and freedom of association, which he considered to be at the centre of freedom itself. His career represented the engagement and the role of France in the ILO, as reflected in the many tributes paid to him in that country. The Organization had lost a friend and colleague, who would be greatly missed.

**258.** *The Worker Vice-Chairperson* said that Marc Blondel had made a significant impact in France, Europe and the international trade union movement. He was deeply committed to the ILO and his participation in its constitutional organs stood as a reference for anyone wishing to reform the organization without losing its essence. He had been a true disciple of the French trade unionist Léon Jouhaux. Although a fervent proponent of secularism, he was instrumental in filing the complaint against Poland in support of a Christian-based trade union organization. He was also a strong defender of trade union rights worldwide, especially in francophone Africa and in countries where dictatorship prevented the exercise of those rights. He had, moreover, been active in defining the place of minimum international labour standards for a fair globalization. As the Worker spokesperson on the Programme, Financial and Administrative Committee until 2008, he renewed his call for further government funding on numerous occasions, notably saying in 2007 that it was better to fund work rather than war. His strong conviction that the ILO, as the home of workers, should be open to all, had contributed to making it one of the most accessible organizations in Geneva. He was always prepared to listen and enter into dialogue, never

compromising his principles. For him, trade unionism was a faith, a goal and an ideal. He wished to continue the construction of a world where workers had a place beside governments and employers, an endeavour that the Workers' group would continue to make their own.

- 259.** *A Worker member from France* said that among the many epithets that could be attributed to him, Marc Blondel was above all a trade unionist and an internationalist. He was convinced that the defence of rights and the settlement of disputes between workers and employers through action and collective bargaining were the key to social progress and justice. He considered that international labour standards and social justice should be the common language of the ILO. He was deeply passionate about the ILO and transmitted that passion to all those around him. He rejected imposed ideas, most notably presenting the complaint against the Government of Poland in 1982, quoting Rosa Luxembourg's belief that freedom of association was "the freedom to think differently". His observations in 1982 regarding the consequences of unemployment, particularly among young people, and the essential role of the ILO supervisory system, were still relevant and should continue to be taken into consideration. He believed that international labour standards should provide a guarantee for workers, employers and governments alike.
- 260.** *The Employer coordinator* paid tribute to Marc Blondel's intellectual honesty and the strength of his convictions. He was a constant promoter of dialogue and was deeply committed to freedom. He was both a militant and an idealist, combining both qualities magnificently. He left his mark on the ILO, most notably by filing the complaint against the Government of Poland in 1982. In 2001, along with the then Employer coordinator, Jean-Jacques Oechslin, he had created the French Association for the ILO. He was deeply respected internationally and would be remembered for his firm belief in the values of the ILO, in social dialogue and in the need to strengthen tripartism, both within the Organization and beyond.
- 261.** *A Government representative of France* said that Marc Blondel had left no one indifferent, as seen by the number of national and international tributes paid to him. Over his life of service, he had worked tirelessly to strengthen social progress. France would remember him as a tireless trade unionist, as a republican, and as a citizen of the world, deeply committed to the principles of freedom, equality and fraternity. He brought honour to France and to the Organization.

## **Decision**

- 262.** *The Governing Body paid tribute to the memory of Mr Marc Blondel and invited the Director-General to convey its condolences to Mr Blondel's family and to the General Secretary of Force ouvrière.*

(GB.320/INS/14(Add.), paragraph 4.)

## **Mr Dierk Lindemann**

- 263.** *The Employer coordinator* said that Mr Lindemann had devoted the whole of his professional life to the cause of seafarers. He had brought his immense knowledge and unique expertise of international maritime labour law to the various bodies on which he had served at the ILO, and he had been one of the driving forces behind the Maritime Labour Convention, 2006 (MLC, 2006). After its adoption, he had continued to lobby for its ratification and had held seminars at the International Training Centre of the ILO (Turin Centre).

264. *The Worker Vice-Chairperson* said that Mr Lindemann had been a committed ambassador of the maritime sector, a skilled negotiator and a fair and competent partner who had fully understood the living and working conditions of seafarers. His experience, especially as Managing Director of the German Shipowners' Association, had been invaluable during the drafting of the MLC, 2006.
265. *A Government representative of Germany* expressed his deep sorrow at the loss of a man who had so greatly served the cause of national and international maritime law. In 2008, Mr Lindemann had been awarded the Order of Merit of the Federal Republic of Germany in recognition of his leading role in developing the MLC, 2006.

### **Decision**

266. *The Governing Body paid tribute to the memory of Mr Dierk Lindemann and invited the Director-General to convey its condolences to the family of Mr Lindemann, to the International Shipping Federation, and to the President of the German Shipowners' Association.*

(GB.320/INS/14(Add.1), paragraph 5.)

### **First Supplementary Report: Update on the internal reform (GB.320/INS/14/1)**

267. *The Employer coordinator* noted that the paper did not contain details of the reform of the ILO's field operations and structures and asked when such information would be available.
268. *The Worker Vice-Chairperson*, thanked the Director-General for his commitment to the internal reform of the Office and of field operations and structures.
269. *Speaking on behalf of the Africa group*, a Government representative of Kenya expressed optimism that the ILO would focus on equity and inclusiveness when reviewing its field operations and structures. His group looked for a more cohesively managed relationship between headquarters and the field, under the banner of "one ILO". He took note of the appointment of a head of internal communications and the development of a single, integrated communications approach, and he looked forward to the release of the redesigned ILO global website. He also looked forward to a report on the outcomes of the internal reform, and especially on the impact of the reform initiatives.
270. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the regional offices should play a greater role in the decentralization of the ILO's functions under the field operations reform. Countries with the most extreme needs should have a larger ILO presence and sufficient professional and economic means to perform their tasks effectively. He asked for more information on measures proposed to improve relations, understanding and cooperation between headquarters and the field offices, and also on the programme to engage headquarters and field directors and specialists with the communications reform roadmap. GRULAC urged the Office to strengthen the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) to meet the need for professional training in his region. Finally, he asked whether the report submitted by the Review Team in December 2013, containing various proposals, would be published.

- 271.** *Speaking on behalf of ASPAG*, a Government representative of Australia suggested that an independent review should be conducted of the staff ratio between headquarters and field operations in comparison to other UN specialized agencies – there were currently almost double the number of staff at headquarters compared to in the field. ILO technical professionals should also work more closely with constituents in the field.
- 272.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that IMEC would welcome a prompt response from the Director-General on decisions such as the establishment of a task force on change management, and looked forward to the progress report on the implementation of the comprehensive Office-wide internal communication strategy by the new head of internal communications. IMEC welcomed the measures taken by the Office to improve information sharing and advocacy, the release of a more user-friendly ILO website, and the development of an integrated approach to ILO communications. The travel rules for Governing Body members should be harmonized with those applicable to ILO staff, since past adjustments of travel rules had generated considerable savings. IMEC called on the Office to maintain a results-focused approach throughout the reform agenda and ensure that the impact of all initiatives was accurately measured and regularly reported to the Governing Body.
- 273.** *A Government representative of China* expressed his country's wish to see the ILO website translated into Chinese and thereby expand the ILO's impact in Chinese-speaking regions.
- 274.** *The Director-General*, noting that the report contained the same level of detail as the previous one, which had met with the Governing Body's approval, said that further information on field operations and structural reform was available online, in the field review report and in a video broadcast on the issue. The Office had achieved a clear understanding with regard to decision-making responsibilities and would continue to respect those responsibilities and carry out its duties in that regard. The report emphasized the importance of the "one ILO" modus operandi, which was central to the review process. It brought headquarters and field operations closer together, with the objective of providing constituents with high-quality services relevant to their needs. The Office would continue to consult closely with constituents as it moved forward in its decision-making, particularly concerning structural arrangements and with regard to CINTERFOR. The right way to proceed with the field reform was to establish clear working methods and functions.
- 275.** All technical staff in Geneva and elsewhere should be part of the supply chain of quality services. Regarding staff ratios, although it was helpful to make comparisons with other organizations, the level of comparability with organizations was relative to the difference of the work. The issue of travel rules would be examined before the start of the next Governing Body session, and then, following consultations, the Office would present the Governing Body with proposals.
- 276.** *A representative of the Director-General (DDG/MR)* provided an update on the implementation of decisions arising from the previous communications review. A concerted effort had been made not only by the Department of Communication and Public Information (DCOMM) but also by communications staff in each of the regions. DCOMM would ensure regular liaison between headquarters and communications staff in the field, to keep headquarters informed of what was being communicated in the field and to guarantee consistency. Improvements would be made to the ILO website throughout the year.

## **Outcome**

**277.** *The Governing Body took note of the information contained in document GB.320/INS/14/1.*

(GB.320/INS/14/1.)

## **Second Supplementary Report: Follow-up to the discussion on the dissolution of the International Institute for Labour Studies and the establishment of the central Research Department** (GB.320/INS/14/2)

**278.** *The Employer coordinator* said that the three groups of constituents should have a greater role in setting the Organization's strategic research agenda, rather than setting it solely through the programme and budget process on a biennial basis. Dual reporting to both the Deputy Director-General for Policy and the Director-General should not lead to an erosion of the focus on strategic long-term research: the urgent should not drive out the important. He asked for more information on how the Research Review Group would operate and whether the three groups of constituents could be involved in the discussions on its establishment.

**279.** *The Worker Vice-Chairperson* said that the arrangements for reporting lines partly responded to the concerns raised by his group, but it remained to be seen whether the dual reporting structure would allow for smooth cooperation between technical and research departments and the strategic and visionary research agenda. He welcomed the fact that the research agenda would be determined through the programme and budget process, but sufficient resources should be allocated for research that had a longer time horizon. His group agreed on the methodology for preparing the research agenda but stressed the need for the experts in the Research Review Group to be independent and of recognized standing.

**280.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group looked forward to the speedy completion of the Field Operations Review so as to learn of arrangements for research work carried out in the regions and its relationship with the Research Department. His group requested regular updates on the integration of the Research Department into existing ILO organs, and reiterated that the guarantees available to member countries concerning high-quality research under the previous International Institute of Labour Studies (IILS) should be maintained.

**281.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica expressed support for the creation of the Research Department. This should help address the fragmentation of research activities and ensure greater coherence in ILO's analytical work. Her group welcomed the efforts made to guarantee objectivity and relevance of the work of the Research Department and congratulated the Director on his nomination. GRULAC supported the establishment of a new Research Fund, as set out in the draft decision of GB.320/PFA/6, to strengthen the research strategy and activities of the new Research Department.

- 282.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the incorporation of the ILS into the Research Department would significantly enhance the ILO's research and technical capacities and its contribution to international economic policy-making. He welcomed the nomination of the new Director of the Research Department and hoped that this would facilitate coherence between the Department's research agenda and the direction set by the Governing Body.
- 283.** *Speaking on behalf of IMEC*, a Government representative of Germany appreciated the Director-General's transparency with respect to the appointment of the Director of the Research Department, and requested further information on staff numbers. He referred to document GB.320/PFA/13, saying that IMEC hoped the human resources reform plan would have a positive impact on maintaining and improving levels of staff qualifications. He assumed that the Director-General had good administrative reasons for not requesting the Director of the Research Department to report directly to him on all matters. He would appreciate information regarding the measures taken to reinforce the Statistics Department, as well as information on how its work would be integrated with the Research Department. IMEC wished to be involved in the decisions related to broad research priorities. The two departments should jointly focus on the themes that were most relevant to constituents, and on working methods that leveraged the ILO's overall research capacity. All research should be applied research, and aligned with the Organization's mandate, objectives and priorities. The group asked to be kept informed about the Research Review Group. The ILO's intranet needed to be restructured to reflect internal organizational changes, including the involvement of the Turin Centre with the Research Department. IMEC invited the Director-General to present another progress report at the November 2014 session of the Governing Body, taking into account its observations.
- 284.** *A Government representative of France* took note of the information that the Office had provided, particularly in response to requests made at the previous Governing Body session. Regarding reporting lines, he reiterated the need for the Director-General to play a central role in establishing the strategic direction. He therefore hoped that the reporting lines that had been established would permit this. He stressed the importance of autonomy in the conduct of research and commended the Office for the creation of the Research Review Group: however, he requested information on its composition and competences. He underlined that its members should be internationally recognized experts.
- 285.** *A Government representative of India* appreciated the ILO's initiatives in building a strong empirical foundation and hoped that the Research Centre would be able to carry out all technical and strategic requirements for the Organization and its member countries. She hoped that the research would take into consideration the member countries' socio-economic diversities. The collaboration between the Research Department and the Turin Centre should lead to the effective implementation of policy guidelines. Research databases and methodologies should be developed in consultation with regional offices. Results-based management would improve the effectiveness of the ILO only when resources were optimally dispersed. She underlined that member countries should be kept informed on the development of the research agenda, and on the evaluation of the Research Review Group.
- 286.** *A Government representative of Switzerland* commended the Director-General on the Research Review Group and highlighted the crucial role that the Research Department would play in evaluating policies. He underlined that research should be based on methodologies that guaranteed independence, objectivity and scientific rigour. The Research Department should be involved in all evaluations of existing policies, including technical policy units. He supported the direct link between the Department and the Director-General.

- 287.** *A Government representative of the Islamic Republic of Iran* said that the initiative would revitalize research in order to meet the diverse challenges of the Organization. He emphasized the role of the Research Department as a repository of international, high-quality research on the world of work. He welcomed the appointment of the Director of the Research Department.
- 288.** *A representative of the Director-General* (Director of the Research Department) took note of the comments made by the delegates, and stated the importance of a balance between operational research on policies that work and analysis of emerging trends, with a long-term strategic vision. The methodologies had to take into account the diversity of the countries involved, notably the different levels of development and factor endowments. The Research Review Group had to comprise highly intellectual individuals with diverse academic backgrounds, both in their expertise and geographical origins. He noted the need for the research to be conducted rigorously and with impartiality, while addressing issues of relevance to the Governing Body's mandate. Strict and independent guidelines and methodologies had to be adhered to. It was essential for the different units to work closely together. He provided details on the staff positions within the Research Department.
- 289.** *The Director-General* said that he was encouraged by the comments made and that the Office was determined to fulfil the expectations of the Governing Body. The organizational structure and reporting lines had been carefully considered, and he was confident that the Office would be able to reconcile the immediate demands made upon the Organization in respect of research. He gave his assurances that he would provide strategic leadership, and agreed that the Research Review Group had to be independent and composed of individuals of the highest intellectual standing; as stated in the document, the group would provide periodical reports. He also gave his assurances that the services provided by the ILS would be transferred to the Research Department. While the aim was to consolidate research, the Office had been careful to ensure that the Department would interact closely with the technical departments at headquarters and in the different regions, and with the Turin Centre.

## **Outcome**

- 290.** *The Governing Body took note of the developments reported in document GB.320/14/2 and provided guidance thereon to the Office.*

(GB.320/14/2, paragraph 11.)

## **Third Supplementary Report: Situation of trade union rights in Bangladesh** (GB.320/INS/14/3)

- 291.** *The Worker Vice-Chairperson* said that, despite the significant measures taken in Bangladesh, workers still struggled to exercise their rights to freedom of association and collective bargaining. The Government should follow through with further legal reforms, as agreed under the Global Sustainability Compact, which would address the issues raised by the Committee of Experts. It should also ensure that the labour law reforms were effectively implemented and that all acts of anti-union discrimination were dealt with quickly. The new trade unions in the ready-made garments industry represented only a small fraction of workers and were ineffective if members were unable to bargain collectively. Employers had made no move to engage in collective bargaining and the Government had failed to provide encouragement or enforce the law in that regard. Trade



union rights had not spread to other sectors and there was a continued lack of commitment to ensuring the rule of law. Workers in a factory outside Dhaka had recently been subjected to rounds of mass dismissals, violence and pressure from the employer following attempts to register a trade union. There was growing concern at the creation of company unions to prevent worker-led trade unions. In the export processing zones (EPZs), worker welfare associations, which substituted for trade unions, existed in some factories, but the Bangladesh EPZ authority (BEPZA) had not only failed to promote collective bargaining but had actively undermined the process. There was no indication that union representatives had been consulted in the preparation of the draft EPZ law. He hoped that they would be given the opportunity to comment on the text and that their views would be taken into consideration. His group urged the Government to further increase the numbers of labour inspectors and to ensure that new recruits were well trained and had the necessary tools to carry out their work. The group looked forward to working with the ILO to develop workers' capacities to strengthen the democratic trade union movement. Regarding the launch of the Better Work programme, there was concern that without a firm commitment to social dialogue and freedom of association in Bangladesh, the programme would be unable to address the fundamental deficits in the garment industry. Greater emphasis should therefore be placed on social dialogue at the enterprise, industry and national levels. In view of the seriousness of the situation in Bangladesh, his group would have welcomed more details in the Office report.

- 292.** *The Employer coordinator* encouraged the Government of Bangladesh to continue its work to ensure freedom of association and requested that it continue to provide reports on efforts to bring legislation into full compliance with Conventions Nos 87 and 98. While his group appreciated the work to launch the Better Work programme in Bangladesh, he recalled that it was not a substitute for the Decent Work Country Programme, the Government or the national laws. He raised a concern regarding the inclusion of the joint statement on the Sustainability Compact between the Government of Bangladesh, the EU and the ILO in the appendices to the report, as reference was made to the ILO's participation, yet its constituents had not been involved in negotiating the text. He stressed that in order to achieve productive results in Bangladesh, an inclusive and constructive engagement of local workers, employers and Government was crucial.
- 293.** *A Government representative of Bangladesh* said that the amendment of the Labour Act had been based on wide consultations among relevant stakeholders and in particular sought to ensure workers' welfare, rights and safety. The reform was a continuous process and his Government highly valued the ILO's assistance. Important progress had been seen through the simplified trade union registration process; the abolishment of the submission of lists of trade union members to factory management; the establishment of workers' right to form participatory committees; the recruitment of additional labour inspectors; and the declaration of an increased minimum wage for the garment sector. Work was under way on a separate, comprehensive EPZ labour act and the BEPZA was monitoring the respect of workers' rights in EPZs. His Government appreciated the constructive engagement of the ILO and partners to promote rights at work in Bangladesh through a number of projects, including the Better Work programme. The Government was committed to ensuring labour rights, but the country needed time, understanding and cooperation to achieve that objective.
- 294.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Norway and Republic of Moldova. As Bangladesh's largest trade partner, the EU was particularly concerned by the labour conditions in Bangladesh. Her group welcomed the progress outlined in the Office's report and encouraged the Government to address remaining shortcomings, and to continue

to follow up on its commitments under the Global Sustainability Compact. It should also continue working with the ILO to improve the overall occupational safety framework, including the ratification of relevant ILO Conventions. The EU had provided support through projects targeting working conditions and vocational training. It also supported the European social partners' promotion of a corporate social responsibility framework in the clothing sector and welcomed their follow-up to the accord on fire and building safety in Bangladesh. The group confirmed its commitment to promote labour rights and factory safety in Bangladesh and urged the Office to continue its work in that regard.

- 295.** *A Government representative of the Netherlands*, speaking on behalf of Canada, the Netherlands and the United Kingdom, said that they welcomed the growth in registered trade unions, and supported the focus of work in the garment sector on increasing the capacity of workers to develop effective relationships with management, while noting that capacity building for management was also important. Trade union support programmes in Bangladesh should coordinate their activities to avoid overlap and should keep donors informed. He requested information regarding the support that Bangladeshi employers' organizations had received from the ILO and from employers' organizations in other countries.
- 296.** *A Government representative of China* welcomed the positive steps taken in Bangladesh to amend its labour act, enhance labour inspections and improve working conditions.
- 297.** *A Government representative of the United States* encouraged the Government of Bangladesh to continue working with the ILO and other partners to promote effective freedom of association and collective bargaining across all sectors, and to build the capacity of the labour inspectorate. It should take action to protect the members of newly registered trade unions and ensure timely and effective investigations into allegations of unfair labour practices. His Government encouraged the continued review of the Labour Act, particularly with regard to the issues raised by the Committee of Experts, and to its extension into the EPZs. The role of the BEPZA as the agency responsible for enforcement and implementation of labour laws in EPZs should be reconsidered and the Government should invite the ILO to future meetings of its EPZ review committee.
- 298.** *A Government representative of India* commended the steps taken by Bangladesh to improve labour rights and strengthen the labour inspectorate. He encouraged the ILO and all member States to continue to assist Bangladesh by means of technical cooperation and guidance.
- 299.** *A Government representative of Switzerland* encouraged the Government of Bangladesh and all the other parties concerned to apply the new laws and ensure respect for fundamental rights at work. In order to achieve the full potential of the Better Work programme, compliance with international standards and the commitment of all partners were essential. The Government should continue to make every effort to enable the ILO to play a central coordinating role in all activities linked to fundamental principles and rights at work in the textile industry.
- 300.** *A Government representative of Pakistan* commended the Government of Bangladesh on the steps which it had taken to improve trade union rights, strengthen the labour inspection mechanism and amend the Bangladesh Labour Act to bring it into line with ILO Conventions. He urged the ILO to extend the Better Work programme to other countries.

301. *A Government representative of the Islamic Republic of Iran* welcomed the enhancement of trade union rights in Bangladesh and improvements in labour legislation. He encouraged the Government of Bangladesh to pursue its efforts and called on the Office to provide continued assistance.
302. *A Government representative of Australia* welcomed the joint endeavours of Bangladesh and the ILO to improve industrial safety, and encouraged Bangladesh to continue to strengthen its compliance with Conventions Nos 87 and 98. Many Australian companies had signed an accord on fire and building safety in Bangladesh which would lead to better working conditions in all industrial sectors.
303. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships (DDG/FOP)), responding to the call to involve the tripartite constituents in negotiations concerning trade union rights, said that the ILO worked closely with employers and workers and their respective associations in Bangladesh; that they received training in preparation for inspections; and that cooperation between local employers and multinational companies was good. He emphasized the importance of the support of development partners. Among the main challenges remaining were the question of compensation for workers' injury or death, and the inspection of some 3,500 buildings.

### **Outcome**

304. *The Governing Body provided guidance in relation to the situation reported in document GB.320/INS/14/3 and the action undertaken by the ILO described in the document with respect to freedom of association in Bangladesh.*

(GB.320/INS/14/3, paragraph 12.)

## **Fourth Supplementary Report: Developments in relation to the agreement between the ILO and the International Organization for Standardization including in the field of occupational safety and health (GB.320/INS/14/4)**

305. *The Worker Vice-Chairperson*, reiterating that standard setting in the area of occupational safety and health management systems (OSH–MS) was a matter for the ILO, expressed concern that the development of a standard on the subject by the International Organization for Standardization (ISO) might undermine ILO standards. ISO regrettably decided to go ahead with the standard, and the ILO should engage to provide binding advice on the standard in order to ensure consistency with the relevant international standards. The ILO could best respond to the privatization of standards and make optimum use of its resources by encouraging the ratification and implementation of its own standards. It should assess participation in the ISO OSH–MS standard before trialling other models of cooperation with the ISO. ACTRAV and ACT/EMP should be consulted in the process of submitting any comments to the ISO on new items for standard setting.
306. It was vital to ensure that the definitions and terminology used in ISO standards reflected ILO instruments, and evaluation criteria should be established in that regard, including with the involvement of ACTRAV and ACT/EMP. Such criteria should be the basis for ILO comments made to ISO members voting on draft standards. Allowing the ISO to set

standards that were within the remit of the ILO would lead to the privatization of standards and a commercial approach, given their use for certification. It was questionable whether two organizations with such different mandates as those of the ISO and the ILO would succeed in cooperation in the future. He supported the draft decision.

- 307.** *The Employer coordinator* said that the ILO's priority should be to ensure consistency between its work on occupational safety and health and the outcome of ISO work, but not aim to have ILO standards referred to in the OSH-MS requirements. For the sake of its credibility, the ILO should continue to be involved in the work of the ISO technical committee on OSH-MS until the standard had been drafted, but that did not imply general agreement with the ILO's involvement in ISO work. Each project should be considered on its own merits and in the light of its relevance to ILO activities. He supported the draft decision.
- 308.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the development of ISO 45001 required the Office's effective participation in a complex drafting process that called for the Office to become familiar with ISO approaches and procedures and for the ISO to learn about ILO standards. The ILO should also take part in the review of ISO 26000 in order to make sure that ILO standards were upheld. However, all ISO standards should be complementary and add value to ILO mechanisms that already existed and not duplicate them. The ILO should check that ISO standards in the employment and labour sector were consistent with its own, since ISO standards must not replace or dilute those of the ILO as provided in the ILO-ISO agreement. His group was in favour of the draft decision.
- 309.** *A Government representative of India* asked for more information about the rationale for accepting the agreement between the ILO and ISO (GB.319/INS/INF/1) and the progress achieved in its implementation. The role of the ILO was too limited as it had no binding power over ISO. The short time limit for the submission of ILO comments on new work item proposals rendered the exercise meaningless. The fact that any invitation to attend meetings of the ISO Technical Management Board was subject to its discretion and that the ILO had no voting rights over ISO standards detracted from the standing and effective presence of the ILO. It was disheartening to learn that some key terms and conditions in the drafting of the OSH-MS standard had yet to be settled despite the agreement's condition of conformity of ISO standards with relevant ILO standards.
- 310.** The ILO, as the only organization with a global mandate to establish OSH standards, must lead the way in all policy setting and activities on that subject. Voluntary or private labour standards might create a protectionist agenda and hamper the trade of developing and less developed countries on the international market. The ILO must maintain its position of authority when collaborating with other international organizations in labour-related issues. For that reason, any further collaboration with the ISO should be made subject to the condition that critical concepts were identified and agreed and that the ILO's leadership in labour matters was not undermined.
- 311.** *A representative of the Director-General* (Senior Counsellor to the Deputy Director-General for Policy (DDG/P)) replied that the pilot implementation would show whether the safeguards on which the Governing Body had insisted, and which had been embedded in the agreement, could be realized in practice. The Office was attentive to ways to pilot less intensive models of involvement and fewer resources would need to be devoted to the OSH-MS drafting if the ILO approach to OSH-MS was incorporated in the ISO standard. The ILO's technical team interacted closely with ACT/EMP and ACTRAV and cooperated with the IOE and ITUC representatives in ISO committees, while also seeking governments' input.

**Decision****312. The Governing Body:**

- (a) *decided to extend for one year the pilot implementation of the ILO–ISO agreement signed on 6 August 2013, noting in particular that collaboration on OSH–MS was still under development, and to review the implementation of the agreement at its 323rd Session (March 2015);*
- (b) *provided guidance on priorities and challenges to be taken into account in continued piloting of the ILO–ISO agreement, and on particular elements for assessing its effectiveness.*

(GB.320/INS/14/4, paragraph 13.)

**Fifth Supplementary Report:  
Report of the 19th International  
Conference of Labour Statisticians**  
(Geneva, 2–11 October 2013)  
**and the Tripartite Meeting of Experts in  
Labour Statistics on the Advancement of  
Employment and Unemployment Statistics**  
(Geneva, 28 January–1 February 2013)  
(GB.320/INS/14/5)

- 313.** *The Employer coordinator* said that many Governments were still unable to report statistics in line with the resolutions of the 18th International Conference of Labour Statisticians (ICLS), let alone with those of the 19th ICLS. While considerable support would be required in order to give effect to them, any arrangements to hold more frequent meetings would obviously have to adhere to the constraints of the programme and budget. He supported the draft decision.
- 314.** *The Worker Vice-Chairperson* highlighted the importance of allocating sufficient resources for follow-up on the issues mentioned in paragraphs 7 and 12 of the report. Labour should be regarded as fully utilized only if work generated a living wage and was consonant with a person's skills. Statistics on those matters were therefore vital. The updated manual referred to in paragraph 12 would be most useful. He wondered what time line was envisaged for action on the two abovementioned paragraphs. He agreed with the draft decision.
- 315.** *Speaking on behalf of the Africa group*, a Government representative of Kenya expressed support for resolution I concerning statistics of work, employment and labour underutilization adopted by the 19th ICLS and urged the ILO to seek funding for the priority areas identified therein. Resolution V concerning the functioning of the ICLS and the updating of its Standing Orders should be considered at the 322nd Session of the Governing Body. The report should be widely distributed. He endorsed the draft decision.
- 316.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that resolution I concerning statistics of work, employment and labour underutilization, adopted by the 19th ICLS, prepared the ground for covering a wider range

of types of work, while giving countries flexibility regarding implementation. Mismatches between labour supply and demand were posing a significant challenge, the measurement of which would be facilitated through the new concept of labour underutilization. His group endorsed the draft decision.

- 317.** *A Government representative of Mexico* underlined the need for constant strengthening of technical assistance through training and capacity building. Hence Mexico was interested in participating in the development of a manual setting out methodology for assessing new concepts of work and employment in line with resolution I. Some adjustment needed to be envisaged with regard to the definition of informal work in relation to subsistence farmers in the country. Mexico was willing to participate in the working group which would aim to define international standards on labour migration statistics. He supported the draft decision.
- 318.** *A Government representative of Japan*, noting that the adoption of resolution I was a substantial accomplishment in the field of international labour statistics, said that it was important to create an environment where member States could implement the statistics on employment and unemployment. He supported the Office's proposed guidebook on the interpretation of new standards, the expert manual and information on good practices. He endorsed the draft decision.
- 319.** *A Government representative of India* said that the various resolutions needed to be studied in detail by each country in terms of its own national statistical system and concepts. Noting the particular emphasis on the development of labour migration statistics, she wished to study the implications of the proposed changes in terms of coverage and the data collection mechanism. She supported the draft decision.
- 320.** *A representative of the Director-General (Director, Department of Statistics)* said that the 19th ICLS constituted the most significant review of labour statistics that had taken place since 1982. The Office had already made provision for commencing implementation during the present biennium, as far as resources permitted. The preparation of manuals, in particular one on wages, had also been included in the plan of work; discussions would take place in the current biennium and it was hoped that drafts would be prepared for tripartite discussion during the next biennium in order to prepare for the 20th ICLS. Implementation of the ICLS resolutions implied the mobilization of significant resources which went beyond the scope of the ILO, and the Office was seeking partnerships with other institutions and organizations in that regard.

## **Decision**

**321. *The Governing Body:***

- (a) took note of the report of the Conference;*
- (b) requested the Director-General to consider the recommendations of the Conference in carrying out the future programme of work of the Office;*
- (c) requested the Director-General to submit to a future session of the Governing Body a document with proposals to give effect to resolution V of the 19th ICLS; and*

- (d) *authorized the Director-General to distribute the report of the Conference to:*
- (i) *the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the five resolutions contained in Appendix III to the report;*
  - (ii) *the international employers' and workers' organizations concerned;*
  - (iii) *the United Nations and other intergovernmental organizations;*
  - (iv) *non-governmental organizations represented at the Conference.*

(GB.320/INS/14/5, paragraph 20.)

### **Sixth Supplementary Report: Documents submitted for information only** (GB.320/INS/14/6)

#### **Outcome**

*322. The Governing Body took note of the information contained in the documents listed in the appendix to GB.320/INS/14/6.*

(GB.320/INS/14/6, paragraph 4.)

### **Seventh Supplementary Report: Appointment of an Assistant Director-General** (GB.320/INS/14/7)

#### **Decision**

*323. The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Aeneas Chapinga Chuma as Regional Director of the ILO Regional Office for Africa at the Assistant Director-General level. Mr Chuma made, and signed, the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.320/INS/14/7, paragraph 4.)

**Eighth Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Woodworkers International (GB.320/INS/14/8)**

**Decision**

**324. The Governing Body:**

- (a) approved the report contained in document GB.320/INS/14/8;*
- (b) requested the Government, in light of the conditions of work that certain migrant workers might face and in order to ensure that they enjoyed the protection provided for in the Convention, to take into account the action requested in paragraphs 45, 46, 47, 48, 51, 53, 56, 57, 58 and 63 of document GB.320/INS/14/8, and in particular:*
  - (i) to review without delay the functioning of the sponsorship system so that the system did not place migrant workers in a situation of increased vulnerability to the imposition of exploitative work from which they could not leave;*
  - (ii) to ensure without delay access to justice for migrant workers, so that they could effectively assert their rights, including by strengthening the complaints mechanism and the labour inspection system, as well as through the empowerment of migrant workers;*
  - (iii) to ensure that adequate penalties were applied for violations relating to forced labour contained in the Penal Code, the Labour Law and Law No. 15 of 2011 on combating trafficking in persons;*
- (c) invited the Government to provide information on the measures taken to give effect to the recommendations of the Committee, including relevant data regarding the number and nature of violations of the relevant legislative framework and the specific penalties applied, for examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session in November–December 2014;*
- (d) invited the Government to avail itself of the technical assistance of the International Labour Office to implement these recommendations;*
- (e) made the report publicly available and closed the procedure initiated by the representation.*

(GB.320/INS/14/8, paragraph 65.)



## Fifteenth item on the agenda

### Reports of the Officers of the Governing Body

#### **First report: Complaint concerning 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.320/INS/15/1)

- 325.** *The Worker Vice-Chairperson* expressed his group's full satisfaction with the draft decision proposed by the Officers of the Governing Body. He hoped that the breakthrough achieved would secure full implementation of the tripartite agreements of 2012 and 2014; to that end, close follow-up and monitoring would be required. Meeting the requirements resulting from ratification of Convention No. 111 remained a serious challenge, and he accordingly welcomed the proposal in the draft decision for the Committee of Experts on the Application of Conventions and Recommendations to follow up on the implementation of those agreements. Notwithstanding the continued fragile situation in Bahrain, the success achieved could serve as a model for an inclusive national effort to further address the discriminatory nature of the labour market governance system. While commending the constructive role played by the Minister of Labour and the Bahrain Chamber of Commerce and Industry (BCCI), he saluted the efforts and determination of the General Federation of Bahrain Trade Unions (GFBTU).
- 326.** *The Employer coordinator* welcomed the Supplementary Tripartite Agreement, 2014, reached by the Government, the GFBTU and the BCCI, which (together with the Tripartite Agreement, 2012) addressed all the issues in the complaint and provided for measures to settle all the remaining matters. He accordingly called for the procedure under article 26 of the ILO Constitution to be closed.
- 327.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia and Republic of Moldova aligned themselves with her statement. She reiterated the call for Bahrain to comply fully with its international human rights commitments and called on all States to implement the core ILO Conventions, which was essential for social and economic stability in any country. She welcomed the Supplementary Tripartite Agreement, 2014, and supported the draft decision proposed.
- 328.** *A Government representative of Qatar* thanked the Minister of Labour of Bahrain for the updated information provided and commended the vital role played by the ILO. He valued the efforts made by the Government and the social partners, which had led to the signing of the Supplementary Tripartite Agreement, 2014, and the settlement of all issues. He supported the draft decision and considered the closure of the complaint to be final.
- 329.** *A Government representative of Egypt* congratulated the Government, workers and employers on reaching a comprehensive agreement. It proved the Government's desire to fulfil its international commitments and was an example to be followed.

- 330.** *A Government representative of Sudan* valued Bahrain's efforts to bring about genuine reform. An independent fact-finding committee had been set up to investigate the events that had swept through the country in early 2011; the comprehensive programmes of reform put in place in a number of sectors, as recommended by the committee, had laid the foundation for a return to development and progress in the country. It was accordingly wise for the Governing Body to give the social partners in Bahrain the space and opportunity to implement those recommendations.
- 331.** *A Government representative of Thailand* commended the efforts made by the Government of Bahrain, the BCCI and the GFBTU to resolve the complaint amicably, culminating in the signing of the Supplementary Tripartite Agreement in March 2014.
- 332.** *A Government representative of India* said that the GFBTU's approval of the Government's list of workers requiring further consideration was indicative of an atmosphere of constructive partnership and trust, and that no further action was required by the ILO.
- 333.** *A Government representative of the United States* said that he trusted that the tripartite parties would avail themselves of ILO technical assistance in the implementation of the Supplementary Tripartite Agreement and further cooperation between Government and social partners, to ensure a free and independent environment for trade union activists. He welcomed the fact that the ILO Committee of Experts on the Application of Conventions and Recommendations would follow up on these issues.
- 334.** *A Government representative of Viet Nam* noted the tripartite parties' commitment to resolving the complaint, and considered that the Governing Body should close the case.
- 335.** *A Government representative of Lebanon* added his congratulations on the successful tripartite efforts. He called on all partners to implement the agreement to bring peace to Bahrain, which in turn would enable development.
- 336.** *A Government representative of Canada* was pleased to note that the additional time for constructive dialogue since the 319th Session of the Governing Body had led to the closure of the case. He welcomed the fact that the paper for the item had been distributed in a more timely manner than prior sessions' papers had been, however, further procedural improvements were possible.
- 337.** *A Government representative of Pakistan* extended his congratulations to the ILO and the Government of Bahrain, the GFBTU and the BCCI for resolving the complaint in a cooperative and timely manner, and supported the Governing Body's closing of the case.
- 338.** *A Government representative of China* expressed his appreciation for the productive tripartite cooperation with the ILO since November 2013, and hoped that the Governing Body fully recognized the important work done.
- 339.** *A Government representative of Algeria* added his congratulations on Bahrain's resolution of the case. The Supplementary Tripartite Agreement would undoubtedly benefit Bahrain's workers and economy.

## **Decision**

- 340.** *On the recommendation of its Officers, in the light of the developments set out in document GB.320/INS/15/1, the Governing Body:*

- (a) *welcomed the Supplementary Tripartite Agreement, 2014, reached by the Government, the GFBTU and the BCCI which, together with the Tripartite Agreement, 2012, addressed all the issues contained in the complaint and provided for measures to settle all the remaining matters;*
- (b) *invited the Committee of Experts on the Application of Conventions and Recommendations, in its examination of the application by the Government of Bahrain of Convention No. 111, to follow up on the implementation of the Tripartite Agreement, 2012, as well as the Supplementary Tripartite Agreement, 2014;*
- (c) *invited the Office to provide technical assistance, if so required by the Government of Bahrain, the GFBTU and the BCCI for the full and effective implementation of the Agreements referred to above;*
- (d) *decided that the complaint called for no further action on its part;*
- (e) *declared closed the procedure under article 26 of the ILO Constitution concerning the abovementioned complaint.*

(GB.320/INS/15/1, paragraph 20, as amended.)

- 341.** *A Government representative of Bahrain (Minister of Labour) expressed his thanks to all who had helped the work towards the successful closure of the case. The decision ended a state of emergency and marked the start of a bright period for Bahrain, one in which the Government and the social partners would seek to strengthen cooperation and overcome difficulties with a responsible, patriotic spirit. It demonstrated Bahrain's determination and ability to fulfil its commitments and maintain its achievements in the fields of labour and rights. It would contribute to the development of an atmosphere of universal understanding and trust.*

## **Second report: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization, 2008**

(GB.320/INS/15/2)

- 342.** *A representative of the Director-General (DDG/MR) pointed out the link between the paper under consideration and document GB.320/INS/2 dealing with the ILC, particularly subparagraph (e) of the draft decision in the latter document. Regarding the proposed evaluation of the impact of the Social Justice Declaration, it had to be decided whether to conduct the evaluation at the 105th Session (2016) or 106th Session (2017) of the Conference. The recurrent item discussion scheduled for 2016, on fundamental principles and rights at work, was the last in the seven-year series. It was necessary to consider whether it was appropriate or practical to conduct the review of the Declaration at the same Conference session or to defer the recurrent item discussion to 2017, after the review. One advantage of conducting the evaluation in 2016 was that it would assist in the Conference's and the Governing Body's consideration of the Strategic Policy Framework, which would also be considered at the Conference in 2017. Conducting both the review of the Declaration and the development of the next Strategic Policy Framework in the same year could also create complications. He suggested that the Governing Body discuss both agenda items together (GB.320/INS/15/2 and GB.320/INS/2) in order to hear delegates' views and then defer a decision until later in the week to allow time for consultation within*

and between the groups. It was important to try to resolve all agenda matters during this session of the Governing Body as it would not be practical to defer them to June, when there would be a very short Governing Body meeting and a new Governing Body which would not have been associated with the history of the issues, and a delay until November could create difficulties in the preparation of Conference papers.

- 343.** *The Worker Vice-Chairperson* said that, while positive steps had been taken, further action was required to realize the full potential of the Social Justice Declaration, including: sharing knowledge and good practices; assisting Members; establishing new partnerships with non-State entities; devising appropriate indicators of progress; coordinating positions in international forums; promoting decent work by other organizations; and evaluating other organizations' policies. Technical assistance and advisory services had not been fully implemented, in particular the development of impact evaluation tools. In the area of research, the envisaged peer reviews had never been tested. The evaluation would need not only to consider how the Declaration had helped promote pursuit of the four strategic objectives but also to examine the other provisions on social justice. The possible participation of interested multilateral organizations in the evaluation might involve an exchange of views with the Governing Body. It would be useful to have the evaluation in 2016 since it would inform the Strategic Policy Framework discussions in March 2017. However, conducting the evaluation at the same time as the discussion on fundamental principles and rights at work would not be ideal. One possibility might be to conduct the evaluation in two steps, with the first in 2016 using the Selection Committee and the second involving a technical committee in 2017. At the time of negotiation of the Declaration, the envisaged cycle had been five years, since when the Employers had requested a double cycle for employment and the Workers had requested a double cycle for fundamental principles and rights at work. If a return to the original five-year cycle was envisaged, the issue would need to be revisited in November. A decision on the next cycle should be taken by the Governing Body prior to the Conference evaluation. Regarding the General Survey, the current format should be kept, namely a discussion in the Committee on the Application of Standards one year before the review of the corresponding strategic objective in the recurrent discussion.
- 344.** *The Employer coordinator* agreed on the possibility of holding discussions in 2016 in the Selection Committee with tripartite participation, in particular titular members of the Governing Body. The Governing Body would need to analyse the question in November with a view to presentation to the new Governing Body. Regarding the General Survey, he also favoured keeping the current format. The analysis would inform the discussion on the length of cycles. The evaluation of the Declaration could begin in 2016 within the Selection Committee with a view to subsequent analysis at the 2017 session of the Conference. Meanwhile the Office could present a report on the basis of current contributions and comments to the November session of the Governing Body. The Employers and Workers needed to agree on the initial evaluation format, before seeking consensus with the Governments.
- 345.** *Speaking on behalf of the Africa group*, a Government representative of Kenya supported the proposed decision to place an item on the evaluation of the impact of the Declaration on the agenda of the 106th Session (2017) of the Conference, in order to give the Office time to prepare an evaluation report for consideration by the constituents. He supported placing the item on the agenda of the November 2014 session of the Governing Body, although further consultation was still needed.
- 346.** *Speaking on behalf of IMEC*, a Government representative of Canada recalled that her group had addressed the issue in its statement on the sixth item on the LILS agenda.

347. *A Government representative of Algeria* supported placing the evaluation on the agenda of the 106th Session (2017) of the Conference and opening discussions on the subject at the 322nd Session (November 2014) of the Governing Body.
348. *The representative of the Director-General (DDG/MR)* said that, following consultations, the Office proposed to the Governing Body that it place the evaluation of the Social Justice Declaration on the agenda of the 2016 Conference so that the outcome of that discussion could inform the development of the Strategic Policy Framework in 2017. Consequently, the Office proposed to defer the recurrent discussion on fundamental principles and rights at work to the 2017 Conference.
349. *Speaking on behalf of IMEC*, a Government representative of Canada said that her group would have liked to have been informed of the publication of the report in question ahead of time. As to paragraph (a) of the draft decision, her group would prefer the evaluation of the Social Justice Declaration to be discussed at the 2017 Conference. Her group endorsed paragraph (b). The evaluation should cover the modalities for recurrent discussions, including their seven-year cycle. The evaluation should also determine the extent to which the recurrent discussions had given effect to the Social Justice Declaration. While her group did not agree with the Workers' proposal for the discussion on the evaluation to begin in the Selection Committee in 2016, it could accept the proposal made by the Office.
350. *A Government representative of Brazil* said that his Government would have preferred to discuss the evaluation at the 2017 Conference. However, if a consensus had emerged on the Office's proposal, his Government would endorse it.

## **Decision**

351. *In view of the information set out in document GB.320/INS/15/2, the Governing Body decided to:*
- (a) place the evaluation of the impact of the Social Justice Declaration on the agenda of the 105th Session (2016) of the Conference;*
  - (b) place an item concerning the evaluation of the impact of the Social Justice Declaration by the International Labour Conference on the agenda of the 322nd Session of the Governing Body (November 2014); and*
  - (c) defer the recurrent item discussion on fundamental principles and rights at work from the 105th Session (2016) to the 106th Session (2017) of the International Labour Conference.*

(GB.320/INS/15/2, paragraph 10, as amended.)

**Third report: Representation alleging non-observance by the Government of Chile of Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the First Inter-Enterprise Trade Union of Mapuche Bakers of Santiago**  
(GB.320/INS/15/3)

**Decision**

*352. In the light of the information set out in the report (document GB.320/INS/15/3), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.320/INS/15/3, paragraph 5.)

**Fourth report: Representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), made under article 24 of the ILO Constitution by the Teachers' Association of Chile**  
(GB.320/INS/15/4)

**Decision**

*353. In the light of the information set out in the report (document GB.320/INS/15/4), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.320/INS/15/4, paragraph 5.)

**Fifth report: Representation alleging non-observance by the United Kingdom of the Forced Labour Convention, 1930 (No. 29), submitted under article 24 of the ILO Constitution, by the trade unions UNISON, GMB and Napo**  
(GB.320/INS/15/5)

**Decision**

*354. In light of the information set out in the report (document GB.320/INS/15/5), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee for its examination.*

(GB.320/INS/15/5, paragraph 5.)

## Sixteenth item on the agenda

### Composition and agenda of standing bodies and meetings (GB.320/INS/16)

#### **Decisions**

Global Dialogue Forum on Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries (Geneva, 23–25 September 2014)

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

- *European Apparel and Textile Organization (EURATEX);*
- *Ethical Trading Initiative (ETI);*
- *Fair Wear Foundation (FWF);*
- *IndustriALL-Europe;*
- *IndustriALL Global Union;*
- *International Apparel Federation (IAF);*
- *UNI Global Union;*
- *World Federation of the Sporting Goods Industry (WFSGI).*

(GB.320/INS/16, paragraph 7.)

18th American Regional Meeting  
(Lima, Peru, 13–16 October 2014)

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

- *Building and Wood Workers' International (BWI);*
- *Caribbean Congress of Labour (CCL);*
- *Congreso Permanente de la Unidad Sindical de los Trabajadores de América Latina (WFTU/FSM Americas);*
- *Education International (EI);*
- *IndustriALL Global Union;*

- *International Federation of Journalists (IFJ);*
- *International Transport Workers' Federation (ITF);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF);*
- *Public Services International (PSI);*
- *Trade Union Council of Central America and the Caribbean (CSU);*
- *UNI Americas.*

(GB.320/INS/16, paragraph 10.)

Meeting of Experts on Maritime Occupational Safety and Health  
(Geneva, 13–17 October 2014)

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

- *Cruise Lines International Association (CLIA);*
- *International Association of Classification Societies (IACS);*
- *International Maritime Health Association (IMHA);*
- *International Seafarers' Welfare and Assistance Network (ISWAN);*
- *International Shipping Federation (ISF);*
- *International Transport Workers' Federation (ITF).*

(GB.320/INS/16, paragraph 12.)

Global Dialogue Forum on the Adaptabilities of Companies to  
Deal with Fluctuating Demands and the Incidence of Temporary  
and Other Forms of Employment in Electronics  
(Geneva, 9–11 December 2014)

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

- *Electronic Industry Citizenship Coalition (EICC);*
- *Global e-Sustainability Initiative (GeSI);*
- *GoodElectronics;*
- *IndustriALL Global Union.*

(GB.320/INS/16, paragraph 15.)



Meeting of Experts to Adopt Flag State Guidelines  
for Implementation of the Work in Fishing  
Convention, 2007 (No. 188)  
(Geneva, 23–27 February 2015)

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

- ***International Association of Classification Societies (IACS);***
- ***International Christian Maritime Association (ICMA);***
- ***International Collective in Support of Fishworkers (ICSF);***
- ***International Committee on Seafarers' Welfare (ICSW);***
- ***International Confederation of Water Transport Workers' Unions (ICWTWU);***
- ***International Maritime Health Association (IMHA);***
- ***International Transport Workers' Federation (ITF).***

(GB.320/INS/16, paragraph 18.)