



Governing Body

326th Session, Geneva, 10–24 March 2016

GB.326/INS/PV/Draft

Institutional Section

INS

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DRAFT MINUTES

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1. The Institutional Section met on Monday, 14, and Thursday, 17 March and from Tuesday, 22 to Thursday, 24 March 2016. The Chairperson of the Governing Body, Ms M. Kaji (Government, Japan), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr J. Rønneft (Denmark), was the Employer spokesperson for the Section, except in respect of: item 3, “Progress report on the implementation of the Enterprises Initiative”, where Ms R. Hornung-Draus was spokesperson; item 4, “Report of the 13th African Regional Meeting (Addis Ababa, 30 November–3 December 2015)”, where Ms J. Mugo was spokesperson; item 5, “Decent work and inclusive sustainable growth: Challenges for global policy”, where Ms G. Pineau was spokesperson; item 11, “Results of the independent evaluation of the ILO Action Plan for Gender Equality 2010–15, and outline of the Action Plan 2016–17”, where Mr P. O’Reilly was spokesperson; item 12, “Reports of the Committee on Freedom of Association”, where Mr A. Echavarría was spokesperson; and item 15/3, “Third Supplementary Report of the Director-General: International Decade for People of African Descent (2015–24)”, where Mr O. Diallo was spokesperson. Mr L. Cortebecq (Belgium), was the Worker spokesperson, except in respect of: item 4, where Mr E. Manzi was spokesperson; item 5, where Mr K. Asamoah was spokesperson; item 11, where Ms S. Cappuccio was spokesperson; and item 15/3, where Ms M.F. Francisco was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 326th Session:

Policy Development Section

Employment and Social Protection Segment

(Wednesday, 16 and Monday, 21 March 2016)

Chairperson: Mr B. Delmi (Algeria)

Employer spokesperson: Mr P. O’Reilly

Item 2, outcome 9: Promoting fair and effective migration policies: Mr K. Rahman

Item 3: Results achieved during the Director-General’s tenure as Chairperson of the UNAIDS Committee of Co-sponsoring Organizations (CCO) in 2015: Ms J. Mugo

Worker spokesperson: Ms H. Kelly

Item 3: Results achieved during the Director-General’s tenure as Chairperson of the UNAIDS Committee of Co-sponsoring Organizations (CCO) in 2015: Mr B. Ntshalintshali

Social Dialogue Segment

(Tuesday, 15 March 2016)

Chairperson: Ms F. Kodra (Albania)

Employer spokesperson: Mr P. Woolford

Item 4: Follow-up to the recurrent discussion on social dialogue held at the 102nd Session of the International Labour Conference (June 2013): Mr J. Rønneft

Worker spokesperson: Ms A. El Amri

Development Cooperation Segment
(Wednesday, 16 March 2016)

Chairperson: Ms J. Pitt (Australia)

Employer spokesperson: Ms J. Mugo

Worker spokesperson: Mr L. Cortebееck

Multinational Enterprises Segment
(Tuesday, 22 March 2016)

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

Employer spokesperson: Ms R. Hornung-Draus

Worker spokesperson: Ms A. Buntенbach

Legal Issues and International Labour Standards Section

Legal Issues Segment
(Friday, 18 March 2016)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Ms L. Horvatic

Item 1: Follow-up to the discussion on the protection of Employer's and Workers' delegates to the International Labour Conference and members of the Governing Body in relation to the authorities of a State of which they are a national or a representative; and item 2: Amendments to the Compendium of rules applicable to the Governing Body of the International Labour Office: Mr E. Potter

Worker spokesperson: Mr J.E. Ohrt

International Labour Standards and Human Rights Segment
(Friday, 18 March 2016)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Mr J. Rønneѕt

Item 3/2: Report of the first meeting of the Standards Review Mechanism Tripartite Working Group: Mr A. Echavarría

Item 4: Proposed form for reports to be requested under article 19 of the Constitution in 2017 on the instruments on working time; item 5: Proposed forms for reports to be requested under articles 19(5)(e) and 22 of the Constitution in relation to the Protocol of 2014 to the Forced Labour Convention, 1930; item 6: Report of the second meeting of the Special Tripartite Committee established under the Maritime Labour Convention, 2006 (Geneva, 8–10 February 2016); and item 7: Report of the meeting of the Ad Hoc Tripartite Maritime Committee for the amendment of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 10–12 February 2016): Mr E. Potter

Worker spokesperson: Mr L. Cortebееck

Item 4: Proposed form for reports to be requested under article 19 of the Constitution in 2017 on the instruments on working time; item 5: Proposed forms for reports to be requested under articles 19(5)(e) and 22 of the Constitution in relation to the Protocol of 2014 to the Forced Labour Convention, 1930; item 6: Report of the second meeting of the Special Tripartite Committee established under the Maritime Labour Convention, 2006 (Geneva, 8–10 February 2016); and item 7: Report of the meeting of the Ad Hoc Tripartite Maritime Committee for the amendment of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 10–12 February 2016): Mr J.E. Ohrt

Programme, Financial and Administrative Section
(Monday, 14, Tuesday, 15 and Thursday, 24 March 2016)

Programme, Financial and Administrative Segment

Chairperson: Ms M. Kaji (Japan)

Employer spokesperson: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Audit and Oversight Segment

Chairperson: Ms M. Kaji (Japan)

Employer spokesperson: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Personnel Segment

Chairperson: Ms M. Kaji (Japan)

Employer spokesperson: Mr P. Woolford

Worker spokesperson: Mr S. Gurney

High-Level Section

Working Party on the Social Dimension of Globalization
(Monday, 21 March 2016)

Chairperson: Ms M. Kaji (Japan)

Employer spokesperson: Mr J. Rønneѕt

Worker spokesperson: Mr L. Cortebееck

Working Party on the Functioning of the Governing Body and the International Labour Conference
(Thursday, 17 March 2016)

Chairperson: Ms M. Kaji (Japan)

Employer spokesperson: Mr J. Rønneѕt

Worker spokesperson: Mr L. Cortebееck

Committee on Freedom of Association
(Thursday, 10 to Saturday, 12 March 2016)

Chairperson: Mr P. Van der Heijden (Netherlands)

Employer spokesperson: Mr A. Echavarría ¹

Worker spokesperson: Mr Y. Veyrier ²

Opening remarks by the Director-General

3. *The Director-General* expressed his solidarity with, and sincere condolences to, the Governments and to the people of Turkey and Côte d'Ivoire for the terrible attacks which they had recently suffered. Against this background of continued conflict and widespread violence in many parts of the world, the prospects for the global economy were meagre. Since the last meeting of the Governing Body, forecasts of future growth had been adjusted sharply down and, according to the prevailing opinion, economic circumstances were more fragile than at any point since the global economic crisis began, in 2008. This alarming situation was impacting the world of work and raising new obstacles to the achievement of the ILO's objectives. For this reason, the agenda items on challenges for global policy on inclusive growth and more and better jobs would be central to the Governing Body's discussions. Since the last Governing Body session, the ILO had been deeply involved in developing the indicators needed to make the Sustainable Development Goals (SDGs) measurable. The Director-General's Report to the 105th Session (June 2016) of the International Labour Conference would cover the ILO's role in the implementation of the 2030 Agenda for Sustainable Development, in which the Decent Work Agenda was firmly embedded. At the current session, the Governing Body would examine two items on migration: an item on promoting fair and effective labour migration policies, and an item on addressing the labour market impacts of refugees and other forcibly displaced people. Migration for employment was a constitutional responsibility and current policy outcome of the ILO, and the access of refugees and displaced persons to the labour markets and its impact on host communities were key issues. The ILO had to be a part of the response to the global refugee crisis, within its mandate and expertise, in full understanding and coherence of the overall multilateral effort. In this context, the panel debate to be held in the High-Level Section would be highly relevant.
4. The Governing Body also had before it two reports which constituted important milestones in the implementation of the Future of Work Initiative: the joint report of the Chairpersons of the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association, and the report of the first meeting of the Standards Review Mechanism Tripartite Working Group. The Working Group's meetings had been held in a very constructive atmosphere and although challenges remained, encouraging progress had been achieved so far. Regarding the five country-specific items on the Governing Body's agenda, it was important to proceed through an objective and impartial assessment of the facts with the aim of promoting a full application of the ILO instruments in question. All article 26 complaints he could recall had at one point or another

¹ The Office was informed, in a letter dated 29 February 2016, that the previous incumbent of this post, Mr C. Syder, United Kingdom, had resigned. His place as Employer spokesperson was taken for the present session by Mr A. Echavarría, Colombia.

² Substituting Mr L. Cortebееck.

been decried as politically motivated, while later on being recognized as having brought major positive change, in line with the Organization's mandate. The ILO and its constituents pursued their collective commitment and efforts to change and improve the way the Organization worked. In line with this, the Working Party on the Functioning of the Governing Body and the International Labour Conference would turn its attention, in November 2016, to the functioning of the Regional Meetings. The Office had a duty of accountability to the Governing Body in its governance role, and consequently the ILO programme implementation report 2014–15, closing the biennial period, was of great importance. The Office was focusing particularly on its own business and administrative processes with a view to stripping out unnecessary complexities and costs, an approach that would be developed with determination and energy. In this context, the Governing Body would probably be pleased to learn that the building renovation work was on time and within budget. Members might however wish to consider including the refurbishment of the meeting rooms, which was currently not part of the renovation programme, within the scope of the project. It could certainly be achieved more economically if included within the renovation package. Finally, the Director-General alerted the Governing Body to the investigation into alleged fraud committed by a small group of retirees against the Staff Health Insurance Fund. The External Auditors and the Independent Oversight Advisory Committee were informed of this incident, detected through the ILO's internal control mechanisms and currently the subject of a criminal investigation.

First item on the agenda

Approval of the minutes of the 325th Session of the Governing Body (GB.326/INS/1)

Decision

- 5. The Governing Body approved the minutes of its 325th Session as amended.*

(GB.326/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference (GB.326/INS/2)

- 6. The Employer spokesperson, noting the usefulness of the timeline concerning the setting of the Agenda from 2015 to 2019 presented in Appendix II of the document, said that the Employers' group supported the draft decision.*
- 7. The Worker spokesperson said that the nine possible subjects under consideration for inclusion in the agenda of future sessions of the Conference should be discussed in more detail at the November 2016 session of the Governing Body. A number of the subjects could lead to standard-setting exercises and that should be reflected in the proposals that the Office would submit in November. His group supported the draft decision.*
- 8. Speaking on behalf of the Africa group, a Government representative of Kenya, expressing appreciation for Appendices I and II of the document, which presented an overview of the technical items and a timeline concerning the agenda of the Conference, said that the group*

agreed with the need for clarity in the agenda-setting process and fully supported the tripartite approach whereby constituents could continue to put forward proposals for future Conference agenda items. At the March 2015 session of the Governing Body and in subsequent discussions, her group had underscored the need for coherence and flexibility in setting the Conference agenda for 2017–19 and beyond. The Governing Body should take account of important outcomes of the 2016 session; the progress made in implementing the centenary initiatives; the implications of the new Strategic Plan 2018–21; and the Programme and Budget proposals for 2018–19 when setting the Conference agenda for 2018 and 2019. Follow-up of the nine possible subjects should continue to ensure that they received a substantive and in-depth evaluation by the Governing Body, while at the same time maintaining the flexibility needed to welcome new agenda items. Care should be taken not to dilute or exclude from consideration items that addressed strategic thematic areas at the heart of the ILO’s mandate. She looked forward to receiving an update on the progress made at future sessions of the Governing Body. The group supported the draft decision.

9. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Norway said that the group appreciated the update on the procedural roadmap and agreed that deferring the discussion on the items to be included in the Conference agenda for 2018 and 2019 to November 2016 would allow important outcomes of the 2016 Conference to be taken into account, such as the evaluation of the impact of the Social Justice Declaration, the general discussion on decent work in global supply chains, and the progress made in implementing the centenary initiatives. It would further facilitate the process of aligning Conference agenda-setting with the Strategic Plan 2018–21 and contribute to a more comprehensive long-term strategy when planning future sessions of the Conference. In order to keep the agenda topical, a decision was not yet required regarding the nine subjects proposed for inclusion in future sessions of the Conference. The item entitled “Effective ILO development cooperation in support of the Sustainable Development Goals” had enjoyed support at the November 2015 session of the Governing Body and would benefit from further elaboration in the light of the report on the End to Poverty Initiative to be submitted by the Director-General to the 2016 session of the Conference. She proposed deleting point (a) of the draft decision.
10. *A Government representative of India* said that it was important to maintain flexibility in choosing agenda items for the Conference. Member States could provide a list of additional subjects that were particularly relevant to their region so as to widen the range of options available.
11. *A representative of the Director-General* (Deputy Director-General, Management and Reform) indicated that some clarification would be helpful to the Office regarding the intention behind IMEC’s proposed amendment, in relation to the purpose of the document to be prepared for the November session of the Governing Body and whether it could enable the Governing Body to take decisions at its November 2016 session.
12. *Speaking on behalf of IMEC*, a Government representative of Norway said that given the support expressed for the subject relating to “Effective ILO development cooperation in support of the Sustainable Development Goals”, that subject could be further elaborated. Her group did not wish for the Office to spend an excessive amount of time developing the other eight subjects under consideration. It would be prudent to wait until November 2016 to review the other subjects, in the light of the outcomes of the 2016 Conference.
13. *The Worker spokesperson* said that the original draft decision was the most appropriate, as the document that the Office would submit in November 2016 would enable the Governing Body to make all the necessary choices, based on the outcomes of the 2016 Conference.

14. *The Employer spokesperson* said that he had initially intended to support IMEC's amendment to the draft decision on account of the strong support already expressed for the subject relating to "Effective ILO development cooperation in support of the Sustainable Development Goals". However, he would welcome more comments from the Office in the light of the current discussion.
15. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the Governing Body would need to take decisions at its November 2016 session in relation to the 2018 Conference agenda so that preparations could begin and that of course, in taking those decisions, the outcomes of the 2016 Conference should be taken into account. It would not be sufficient simply to provide guidance. The Office could prepare a document showing how the nine subjects under consideration, together with the outcomes of the 2016 Conference, were linked to the strategic and coherent approach to setting the Conference agenda for the following years to help the Governing Body take its decision.
16. *Speaking on behalf of IMEC*, a Government representative of Norway inquired as to the origin of the nine subjects under consideration. Given that only one more item was needed to complete the Conference agenda for 2018, the Office should not spend an excessive amount of time developing the other eight subjects prior to the 2016 Conference taking place.
17. *The Worker spokesperson*, recalling that those subjects were not new and that a number had been suggested by the constituents, said that constituents did not want to be restricted to one item and would welcome the opportunity to discuss some of the other proposals in November 2016.
18. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the Office would consult constituents when starting to prepare the document in question after the 2016 Conference to ensure that it enabled the Governing Body to take decisions for the agenda of future sessions.
19. *The Chairperson* said that she took it that the Governing Body now wished to adopt the draft decision without amendment.

Decision

20. ***The Governing Body:***
 - (a) ***requested the Director-General to report to its 328th Session (November 2016) on the nine subjects that were under consideration for inclusion in future sessions of the Conference, and on any other new proposals;***
 - (b) ***provided guidance on the implementation of the strategic and coherent approach to the setting of the Conference agenda for the 107th (2018) and 108th (2019) Sessions of the Conference.***

(GB.326/INS/2, paragraph 13.)

Third item on the agenda

Progress report on the implementation of the Enterprises Initiative (GB.326/INS/3)

21. *The Employer spokesperson* said that the ILO's extensive private sector engagement demonstrated a number of important benefits such as leveraging the activities of companies, promoting mutual learning and contributing to resource mobilization. However, more progress was to be expected two years after the adoption of the strategy for wider ILO engagement with the private sector. Outreach to companies must be better coordinated with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), or through national employer federations. The online register of companies engaged with the ILO should be made available as soon as was feasible. The Employers' group supported training for Office staff to identify opportunities for engagement or partnerships and proposed private sector–ILO staff exchanges. Such exchanges would increase the number of ILO staff with private sector experience and offer company representatives a unique opportunity. The Employers' group supported the draft decision.
22. *The Worker spokesperson* recalled the principal expectations that the Workers' group had stated in June 2014 when the strategy had been adopted: engagement with the private sector must be based on respect for ILO values; the Enterprises Initiative should encourage the building of mature industrial relations within participating companies; there should not be engagement with companies that clearly violated trade union rights; and ACTRAV and the Workers' group secretariat were to be informed of all engagements with the private sector. Regrettably, those expectations had not been sufficiently met. Consultations with ACTRAV as envisaged in the implementation methodology (paragraph 3) had not been structured but done on an ad hoc basis.
23. With regard to section A of the paper, Enterprise and supply chain policies and practices, most engagements had been between enterprises and the ILO, without ACTRAV or trade union involvement. Procedures had not been followed, and opportunities to improve industrial relations had thus been missed. A strategy for national-level engagement with trade unions under the Sustaining Competitive and Responsible Enterprises (SCORE) programme was urgently needed, and participating enterprises must respect ILO core Conventions. The ILO should continue its work on cooperatives. The same private sector engagement procedures that were applied at headquarters should be applied in the regions and at the national level.
24. With respect to section B, International initiatives on enterprise behaviour, the Workers' group supported the Office's activities to promote the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). With regard to section C, capacity building should focus more on promotion of the MNE Declaration, industrial relations and enabling rights. It was vital to support the work of the International Training Centre of the ILO in Turin (Turin Centre) in providing capacity development for the social partners. ACTRAV and trade unions should be involved in future "enterprise encounters".
25. The recommendations contained in paragraphs 23–25 were valuable but insufficient, and the Workers' group accordingly proposed four additional ones. Firstly, any future initiatives under the Enterprises Initiative should include trade unions. Secondly, the ILO's internal procedure for private sector engagement must be better implemented – specifically, ACTRAV (and the Workers' group secretariat) needed to be consulted on every initiative

being undertaken. Thirdly, the Office should reposition the ILO in relations with the UN and other international initiatives by increasing its work with enterprises and Global Union federations to strengthen cross-border and national labour relations frameworks. Lastly, the upcoming revision of the MNE Declaration should respond to the challenges inherent in globalized production systems and investments, and also meet host countries' demands for sustainable development based on economic and social progress. Provided his comments were taken into account, the Workers' group supported the draft decision.

26. *Speaking on behalf of the Africa group*, a Government representative of Kenya recalled that engagement with the private sector needed to span the full range of ILO activities and support compliance with international labour standards. The Enterprises Initiative called for an inclusive tripartite approach, and all the social partners needed to be included in private sector engagement, but it was currently unclear how governments would be involved. The proposed business network on forced labour and human trafficking would be important in expanding the range of ILO–private sector activity, but such a project must be sensitive to countries' realities. The ILO Social Finance Programme was of particular interest; the Office should strengthen support for small and medium-sized enterprises (SMEs). Capacity-building programmes should be put in place to enable the Office to better serve its constituents in the realm of private sector engagement. The Africa group supported the draft decision in paragraph 26.
27. *Speaking on behalf of IMEC*, a Government representative of Spain expressed concern that it remained difficult for companies to engage with the ILO. A more detailed analysis of the challenges to full implementation of the strategy and proposals for addressing them would have been appreciated. The recommendations at the end of the document were too general: specific proposals could include improving external communication with enterprises, focusing ILO communication tools on the private sector and giving an overview of the ILO's work with the private sector, so that companies could see how collaboration with the ILO could be beneficial. Indicators were also needed, so that the strategy could be more accurately evaluated. Procedures for private sector engagement had to be efficient, agile and pragmatic. Fundraising should remain a marginal consideration in relation to private sector engagement. It was important to ensure consistency between the Enterprises Initiative and the conclusions that had been drawn with regard to public–private partnerships (PPPs). Given the importance of private sector engagement, the next progress report should be discussed in 2017. He therefore proposed amending point (b) of the draft decision to read: “submit a progress report on the implementation of the recommendations at its 329th Session (March 2017).”
28. *A Government representative of the United Kingdom* said that the ILO could go further in understanding individual enterprises' needs. Engagement must be tripartite and have the confidence of all the constituents. The breadth and diversity of the ILO's engagement showed ambition. The next step would be to establish a clearer, institutionally coherent approach: the Office should prioritize engagement in areas that delivered the greatest benefit to all constituents. Experience from its global business networks, the Better Work programme, PPPs and field offices could help in identifying future partnerships. The Office should undertake knowledge building in areas of concern to enterprises, consider how partnerships could best advance its strategic objectives, and build on the multi-partner design of the five flagship programmes and their PPP base. Having recently ratified the Protocol of 2014 to the Forced Labour Convention, 1930, his country fully supported the proposed business network on forced labour and human trafficking. Before engaging in outreach activities, the ILO should first determine what its concrete offer to individual businesses was. In view of the above, a March 2017 progress report was warranted; he thus supported IMEC's proposed amendment to the draft decision.

29. *A Government representative of Brazil* requested the Office to include more detail on South–South cooperation in relation to the Enterprises Initiative in the next progress report.
30. *A Government representative of Italy* said that the proposed business network on forced labour and human trafficking would be an effective tool for education and prevention, and looked forward to receiving updates on its implementation and results. The specific programmes on SMEs and cooperatives were appreciated. A new national action plan was being adopted, with the aim of providing enterprises with a set of indicators for measuring the extent of their social and environmental responsibility. The strategy appeared to be consistent with the proposals put forward in the ILO’s policy on PPPs. Close cooperation between ACTRAV and ACT/EMP was essential, as was increased capacity for managing the internal flow of information. The ILO should step up its efforts to raise awareness among enterprises of the added value of sharing experience and applying principles of social responsibility, not only in economic terms but also in the development of their working environments.
31. *An Employer member from the United Kingdom* said that British employers supported the establishment of an ILO business network on forced labour and human trafficking, considering that it should broaden its scope to encompass all forms of slavery, in line with the Modern Slavery Act 2015 adopted by the United Kingdom. The provisions of the new Act were proving challenging for businesses seeking to strike a balance between respect for human rights and the expectations of stakeholders. In that light, the business network should focus on practical non-binding guidance, in particular helping enterprises to develop due diligence questionnaires that were fit for their business and sector, and to implement key performance indicators that could measure the effectiveness of their policies and procedures.
32. The ILO should also give priority to the development of practical non-binding guidance on gender equality in the workplace. New regulations were anticipated in the United Kingdom requiring employers with 250 or more employees to publish their gender pay gap by April 2018, and he requested the ILO to engage and share best practices with employers in that regard. The ILO should go further in seeking to understand the social and economic needs of individual businesses, and SMEs in particular, not only the priorities of multinationals.
33. *The Worker spokesperson* said that his group supported the amendment proposed by IMEC but requested the Office to include in future reports an appendix listing companies participating in the Enterprises Initiative or a link to the database that was being developed.
34. *The Employer spokesperson* said that her group supported the draft decision as amended by IMEC.
35. *A representative of the Director-General* (Director, Enterprises Department) said that the process of making the Enterprises Department the lead technical department, working closely with ACTRAV and ACT/EMP, had already yielded results. However, further improvements were needed, in particular regarding levels of communication and delivery of substance. The report had focused on interventions beginning before the reporting period, in order to draw on successful formulas. That approach would be continued while seeking new forms of enterprise engagement, underpinned by social dialogue, tripartism and clear communication channels, both internally and externally. Several ILO departments were working closely together with one common goal, and governments would not be excluded from their activities. The suggestions made by the Governing Body would be explored, and he had noted in particular the requests for more detailed indicators, more information on South–South cooperation and the inclusion of a list of enterprises in an appendix to future reports. It was important to promote the values of the ILO, focusing on its priority areas. The Enterprises Department would be working with support departments, including the Information and Technology Management Department and the Department of

Communication and Public Information, to resolve technical problems. Timing was of the essence, and expediting work would enable the Office to report on further progress at a future session of the Governing Body.

Decision

36. *The Governing Body requested the Director-General to:*

- (a) *implement the recommendations for improving ILO engagement with the private sector, taking into account the guidance provided by the Governing Body;***
- (b) *submit a progress report on the implementation of the recommendations at its 329th Session (March 2017).***

(GB.326/INS/3, paragraph 26, as amended.)

Fourth item on the agenda

Report of the 13th African Regional Meeting (Addis Ababa, 30 November–3 December 2015) (GB.326/INS/4)

- 37. *The Employer spokesperson*** welcomed the outcome of the 13th African Regional Meeting, especially the conclusions regarding joint action which could be taken by the ILO and its constituents to achieve the Sustainable Development Goals (SDGs) and the Agenda 2063. In that connection, he drew attention to 11 continent-wide policy priorities listed in the Addis Ababa Declaration where the private sector's role would be crucial. His group congratulated the Office on the excellent organization of the Meeting. It had been particularly pleased to attend the interactive sessions, the High-Level Dialogue, the two special plenary debates and the special session on the promotion and application of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) in Africa. World AIDS Day had provided an occasion to draw attention to the fact that AIDS was still unfinished business in Africa and that more needed to be done to reduce the number of new infections and deaths.
- 38. *The Worker spokesperson*** urged delegations and trade unions to ensure that, at the next African Regional Meeting, women made up at least 30 per cent of the delegates and technical advisers in keeping with the targets set by the United Nations for decision and policy-making bodies. The African continent urgently needed sustained, inclusive and equitable growth. Informal economies were a salient feature of many countries and inequality was often exacerbated by armed conflicts. The low level of industrialization and lack of diversification meant that millions of workers were obliged to take low-paid, insecure jobs. For that reason, governments must work with the social partners to devise economic and social policies that guaranteed fair and just development and to ensure compliance with fundamental Conventions on trade union rights. International labour standards must be incorporated into national policies.
- 39.** His group welcomed the adoption of the Addis Ababa Declaration and the world of work policy priorities. In that context, the Workers attached particular importance to promoting decent work, strengthening labour market institutions, promoting effective social dialogue, accelerating the transition from the informal to the formal economy and extending social

protection. His group was also in favour of measures to reduce inequality, link productivity with improvements in working conditions and earnings, improve labour migration governance, and enhance policy coherence and inter-ministerial coordination. It asked the Office to promote synergies with regional institutions and organizations and policy coherence between the World Bank, the International Monetary Fund (IMF) and the African Development Bank, and to work with regional employer and worker organizations. The Workers invited the tripartite constituents to step up their efforts to implement the ILO MNE Declaration in Africa, as well as the framework strategy for fragile States, and called on the ILO Regional Office for Africa to work closely with trade unions in realizing the objectives of the Addis Ababa Declaration. His group supported the draft decision.

40. *Speaking on behalf of the Africa group*, a Government representative of Ghana commended the ILO for advocating measures to achieve the goal of inclusive growth through decent work. His group called on the Organization to strengthen its partnership with the African Union, the African Development Bank and the United Nations Economic Commission for Africa (UNECA) in the areas of migration and youth unemployment. It urged the Office to mobilize resources and work closely with national tripartite constituents to realize the aims of the Addis Ababa Declaration. It appreciated the readiness of the Office, the other regions, Employers and Workers to discuss in the Tripartite Screening Group the idea of reviewing the *Rules for Regional Meetings* at the 328th Session of the Governing Body. It endorsed the draft decision.
41. *A Government representative of Zimbabwe* called on the Office to work closely with the constituents to implement the Addis Ababa Declaration and to redouble its efforts to mobilize the requisite resources to that end. The review of the *Rules for Regional Meetings* should be placed on the agenda of the 328th Session of the Governing Body and should be conducted by the Working Party on the Functioning of the Governing Body and the International Labour Conference.
42. *A Government representative of Cuba* said that, in Africa, urgent attention must be paid to the promotion of decent work, the scaling back of the informal economy, the promotion of youth employment, poverty eradication and development cooperation. His Government supported the Addis Ababa Declaration and hoped that the report under consideration would be disseminated as widely as possible in order that it might act as a catalyst for renewed solidarity with the peoples of Africa.
43. *A representative of the Director-General* (Director of the ILO Regional Office for Africa) said that the Office had earmarked resources to support African Union action in various areas, including social protection and labour migration. It had strengthened its working relationship with the African Development Bank with a view to taking joint action on youth employment in agriculture, manufacturing, and information and communication technology, and was working with the African Union Commission on the publication of the first labour migration statistics report for the continent. Moreover, the Office had collaborated on reports on facilitating effective skills mobility in Africa, and on the potential of remittances to enhance the social protection of migrant workers and their families. A research strategy for the Africa region was being devised along with a strategy for middle-income countries in Africa. The Office remained committed to reinforcing capacity-building programmes in collaboration with the International Training Centre of the ILO (Turin Centre) and had developed a comprehensive training plan for the biennium. Lastly, it was stepping up its engagement in fragile States in the region. He had taken note of speakers' recommendations with regard to policy priorities and working with other regional entities.

Decision

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

- (a) *to draw the attention of ILO constituents, in particular those of the Africa region, to the Addis Ababa Declaration by making the text of the Declaration, contained in Appendix IV to document GB.326/INS/4, available;*
 - (i) *to the governments of all member States, requesting them to communicate the text to national employers' and workers' organizations; and*
 - (ii) *to the official international organizations and non-governmental international organizations concerned;*
- (b) *to take the Addis Ababa Declaration into consideration when implementing current programmes and in developing future programme and budget proposals.*

(GB.326/INS/4, paragraph 216.)

Fifth item on the agenda

Decent work and inclusive sustainable growth: Challenges for global policy (GB.326/INS/5)

45. *The Employer spokesperson* said that the global outlook described in the report was overly pessimistic in light of the forecasts made by the World Bank and the International Monetary Fund (IMF). The fact that, seven years after the economic crisis, the global economy was still struggling with recovery showed that the problem was no longer purely cyclical. Structural rigidities could include regulatory frameworks, skills mismatch and macroeconomic stability. Many of the proposals made by the Business 20 (B20) Employment Task Force would require G20 governments to make major changes in their labour market policies. Business had a key role to play in implementation and review of the 2030 Agenda for Sustainable Development. The ILO tripartite *Guidelines for a just transition towards environmentally sustainable economies and societies for all* could help governments to provide the necessary policy framework for implementation of the Paris Agreement on Climate Change, but it was essential to avoid trade restrictions, barriers and other impediments to competitiveness and productivity, and to create an enabling environment for innovation and investment in production and jobs. Her group regretted that the Office had been unable to provide further information on its plan to support member States and constituents in implementing the national sustainable development strategies called for by the 2030 Agenda. With regard to the suggestion made in paragraph 32 of the report, the Organization had already adopted, through a tripartite process, policies relating to the relevant SDGs which, along with the Director-General's Report to the Conference, should inform its contribution to the United Nations (UN) High-Level Political Forum on Sustainable Development (HLPF). Her group was concerned about the statement, in the same paragraph, that “[t]he concurrent review of the impact of the ILO Declaration on Social Justice for a Fair Globalization ... creates an opportunity to consider ways in which the work of the ILO's governance structures might be adapted ...”; the goal should be not to change those governance structures but to use them. In November 2015, the Office had been asked

to “prepare proposals on the possible role of the Governing Body in examining progress on decent work for sustainable development as part of the UN system’s examination of thematic reviews of progress on the SDGs, including cross-cutting issues”; it would have been useful to receive at least an outline of such a proposal. While the information provided in the report was interesting, the Organization’s priorities must be clearly defined in order to avoid overlapping of policies and programmes under the 2030 Agenda and its full potential must be properly mobilized within the limits of its resources; information on the Office’s consultations with potential funding partners would be welcome. The Office should provide constituents with capacity building and technical support tailored to their needs and priorities. The Office should identify resources and adopt plans to enhance employers’ organizations’ capacity to participate in national sustainable development strategies, and ACT/EMP should be involved in that process. ILO commitments must be consistent with the reform of the Office’s strategy in the field; the effectiveness of the Decent Work Country Programmes (DWCPs) and the specific situation of countries that had none must be assessed before preparing new DWCPs aligned with countries’ sustainable development priorities. Points (a) and (b) of the draft decision added nothing to the decision adopted at the previous session of the Governing Body. With regard to point (c), it would be useful to know how the Office planned to help countries track progress towards the SDGs through related indicators. Concerning point (d), it was not clear whether the Office planned to report to the Governing Body at its next session on the roll-out of its 2030 Agenda implementation plan, including the further elaboration of the ILO Development Cooperation Strategy, or on progress in implementing the End to Poverty Initiative. Her group nevertheless supported the draft decision.

46. *The Worker spokesperson* said that the grim outlook for the global economy in the short term was reinforced by long-term structural trends. The current employment downturn, coupled with stagnating wage growth and structural poverty, were leading to increasing inequality and a social crisis. While the multilateral meetings mentioned in the report were welcome, their declarations of intent must be translated into action on the ground. His group welcomed the recognition, in the Leaders’ Communiqué adopted at the Antalya G20 Summit, that rising inequalities could pose risks to social cohesion and hinder growth. While welcoming also the recognition by the G20 that social dialogue was essential and the joint statement on jobs, growth and decent work made by the trade unions of G20 countries (L20) and B20, it noted that key G20 commitments had not produced national policy changes that would result in stable, job-rich growth by addressing long-term structural challenges and rising inequality, supporting real wage growth and collective bargaining, re-regulating financial markets and increasing investment in health, education and the care of children and older persons so that women could enter the labour market. It would have been useful to have more information on what the Office was doing to address those problems. His group welcomed the commitment to limit the increase in the global average temperature but noted that the ambition of the Conference on Climate Change (COP 21) had been compromised by countries’ efforts to protect their interests; each national target must be reviewed before the Agreement came into force in 2020. Climate justice and a just transition to a low-carbon development model required delivering on climate finance to support the efforts of poor countries. Unfortunately, although that necessity was recognized in the preamble to the Agreement, many member States had refused to include it in the operational paragraphs. The ILO must recognize the link between implementation of the Agreement and promotion of the tripartite *Guidelines*. It was critical to move to an implementation phase with the Office and the three constituents working together, and to secure trade union involvement in national discussions on climate change. He requested the Office to submit its plan to support member States and constituents in implementing the 2030 Agenda to the Governing Body at its 327th Session and to explain how it was preparing to monitor and report on progress towards the SDG targets. The plan should provide constituents with integrated, rights-based policy guidance on inclusive growth and decent work, and be based on the ambitious mandate conferred on the ILO by SDG 8 and the other relevant goals and targets. The

Organization should participate in the reviews and follow-up processes suggested in the UN Secretary-General's report on follow-up and review of the 2030 Agenda, building on the reporting mechanisms of its supervisory system, and should ensure that ACTRAV and ACT/EMP had adequate resources in order to strengthen the social partners' capacities and ensure their effective involvement in national implementation of the 2030 Agenda. He reiterated his group's disappointment that follow-up to, and review of, progress towards the Goals was not compulsory; their largely voluntary nature allowed governments to pursue only the targets that interested them, undermining accountability. He welcomed the decision of several countries to present voluntary national reviews and encouraged the ILO to use this process as an opportunity for constructive dialogue. He also welcomed the inclusion of trade union and labour rights in the package of indicators adopted by the UN Statistical Commission; the challenge was to ensure that national statistical offices and social partners were trained in those indicators and that they were incorporated into national SDG implementation strategies. His group supported the draft decision.

47. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Australia said that the ILO's work under the 2030 Agenda must be considered within its broader workplan and strategic priorities. She noted the importance of the regional dimensions of the SDGs and that this would be a focus of discussion at the 2016 Asia-Pacific Regional Meeting. It was critical for the Governing Body to remain active in international discussions on the SDGs and to receive regular updates on the Organization's role in the implementation of the 2030 Agenda, including through collaboration with other international organizations, and on the provision of assistance to constituents. ASPAG supported the draft decision.
48. *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that his statement was also supported by Albania, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia. The 2030 Agenda, if implemented effectively, could be a game-changer. IMEC was committed to its effective implementation in its own countries and elsewhere and, in that connection, encouraged the Organization to support national and regional strategies addressing poverty eradication, youth employment, social protection floors and rights at work. Increased collaboration with other international organizations on matters relating to the SDGs could enhance the ILO's impact on the ground and promote decent work worldwide. It should position itself as the knowledge centre for the development of a global set of SDG indicators, particularly those that concerned decent work and measured progress on qualitative issues such as social dialogue, in order to enhance national reporting. The ILO Department of Statistics should continue to help national statistics offices to identify gaps and collect data, possibly underpinned by national, regional and thematic indicators, and to strengthen capacities relevant to their countries' contexts. IMEC welcomed the Organization's involvement in the work of the G20, including follow-up to the Antalya Communiqué and the G20 commitments on youth employment, improved health and safety at work and enhanced labour market participation for women, and agreed that the ILO tripartite *Guidelines* were relevant to the implementation of the Paris Agreement. It welcomed the Director-General's decision to focus his Report to the International Labour Conference in 2016 on the End to Poverty Initiative, which would enable the Organization to contribute to the preparations for follow-up to, and review of, the 2030 Agenda. IMEC supported the draft decision.
49. *Speaking on behalf of the BRICS countries (Brazil, Russian Federation, India, China and South Africa)*, a Government representative of India thanked the Director-General for participating in the first meeting of the BRICS Ministers of Labour and Employment, held in January 2016. Goal 8 of the SDGs would require coordination at the global level in developing a policy strategy for sustainable and inclusive growth. The ILO must take the leadership role in that process to ensure that decent work was integral to policies for sustainable, inclusive growth and faster recovery. The 2030 Agenda allowed countries to develop indicators in accordance with their national contexts and the ILO, as the main

repository of international labour and employment databases, could help member States to do so and to formulate growth strategies, including policies on labour and employment. In light of the downward prospects of the global economy, policy-makers must reassess the situation in their respective countries and suggest ways to improve prospects for decent work. The changing nature and scope of the world of work made it crucial for the ILO to extend and intensify its efforts in the area of decent work and to share its expertise at other international forums.

- 50.** *A Government representative of Mexico* said that, looking at the document, he noted the pressing need to focus on employment generation and inequality-reduction policies. ILO participation in the work of key forums such as the G20 on the 2030 Agenda was essential. The issues of employment and social protection were central to the SDGs and the 2030 Agenda. The ILO must continue to promote cooperation between the various international forums on decent work, sustainable growth and inclusive labour markets. A global framework must be set up to promote and effectively implement the 2030 Agenda. Mexico endorsed the 2016 Chinese G20 Presidency's proposed employment-related priorities of innovation, decent jobs, enhanced employability and adequate job opportunities. The G20 must promote the adoption of macroeconomic policies, the strengthening of entrepreneurship, innovative occupational training and work to improve occupational health and employment prospects. Decent work should be promoted through wages, collective bargaining mechanisms and fairer, sustainable social protection systems. At the national level, Mexico was currently focusing on the structural transformation of economic systems based on low-carbon emission development, the provision of training on new technologies and worker mobility between traditional sectors and new renewable energy sectors. Mexico welcomed the Director-General's decision to focus on poverty eradication at the 2016 session of the Conference and supported the draft decision.
- 51.** *A Government representative of China* said that the G20 Chinese Presidency had scheduled a second Employment Working Group meeting for April 2016. He noted the valuable contribution already made by the employers and workers through the B20 and L20 and looked forward to their continued collaboration. His Government looked forward to the Director-General's upcoming Conference Report on the end of poverty. The Government of China had slashed national poverty rates and intended to eradicate the problem completely over the next few years. The Office could play a valuable role in tackling poverty by collecting together and disseminating relevant experiences.
- 52.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said that if not properly addressed, current employment trends would lead to greater inequality, further inhibiting recovery. However, the high-level commitment encapsulated in the African Union Agenda 2063 and the implementation of the African Union Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development gave cause for hope. His group reiterated its support for the outcome of COP 21, welcomed calls for the ILO and the OECD to help monitor progress on youth employment and supported the draft decision.
- 53.** *A Government representative of Turkey* said that the participants at the Ankara G20 Labour and Employment Ministers Meeting had identified a number of policy actions that must be undertaken in order to tackle rising income inequality and falling labour share, including the strengthening of labour market institutions, the reduction of wage inequality and the improvement of job quality. The Leaders of the G20 countries had undertaken to make labour markets more inclusive, review growth strategies and employment plans and strengthen action against inequality and in support of inclusive growth. The ILO should raise awareness of the labour-related topics covered by the G20 Presidencies among the constituents. The Turkish Presidency of the G20 had also focused on occupational safety and health. The Office's capacity in that regard should be further strengthened and the issue

should be treated as a priority. The Eighth International Conference on Occupational Health and Safety would be held in Istanbul in May 2016.

54. *A Government representative of Brazil* said that falling private investment had led to a rise in unemployment, in particular in developing countries. Growth must be inclusive and job rich. Social dialogue was essential to efforts to tackle inequality. The new DWCPs must take into consideration countries' sustainable development priorities and ILO support in that regard should be financed by both extra-budgetary contributions and the regular budget. Poverty eradication was vital to the achievement of sustainable development and priority must be given to SDG 8. The Governing Body should look into the adjustments needed to comply with possible future requirements in terms of reporting to the HLPF. Brazil reiterated its willingness to continue to work with the ILO on the issues before the United Nations Statistical Commission and supported the draft decision.
55. *A Government representative of Indonesia* thanked the Office for the support extended at the recent conference on Indonesia's Agenda for the SDGs. She said that Indonesia had mainstreamed the goals of decent work and inclusive growth into national development strategies and acknowledged the role of the social partners in that regard. Work had also been carried out to improve national labour policy and create a better environment for investment. It was hoped that, as a part of the upcoming phase of the DWCP, the Office would continue to align its capacity-building and policy-advice programmes with national development aims.
56. *A representative of the Director-General* (Director, Multilateral Cooperation Department) said that the document had been drafted with a view to bringing a number of worrying economic trends to the attention of the Governing Body members. The IMF had predicted that there would be a slight economic upturn in 2017. At the time of writing of the document, certain aspects relating to the 2030 Agenda had not yet been clarified, therefore it had not been possible to include specific information in that regard. The reference in the document to the Inter-agency and Expert Group (IAEG) report to the United Nations Statistical Commission containing information on proposed indicators remained valid. A final decision on the indicators would be taken by the UN General Assembly in 2016, with those relating to decent work currently enjoying wide support. One of the major issues discussed in the report was how the ILO would fit into the UN follow-up to implementation of the 2030 Agenda. At the global level, the main theme of the upcoming UN HLPF would be "leave no one behind", which would fit well with decent work for sustainable development programmes, and with the Director-General's Report to the International Labour Conference, enabling the ILO to make an important contribution to the Forum. At the country level, the ILO must ensure that it could respond to constituents' requests – and that those requests were linked to the 2030 Agenda. That would not be difficult as the Decent Work Agenda was reflected in the 2030 Agenda, which had been taken into consideration in the planning of the Programme and Budget for 2016–17.

Decision

57. *The Governing Body welcomed the Director-General's decision to focus his Report to the 105th Session of the International Labour Conference in 2016 on the end to poverty and requested him to:*
- (a) *follow closely the UN's preparations for global follow-up and review of the 2030 Agenda with a view to a potential ILO contribution on implementation of the decent work dimensions into integrated action on the 2030 Agenda and to support the proposed global thematic review process, in particular Sustainable Development Goal 8 on decent work and inclusive growth;*

- (b) *develop further the Office's support to member States and constituents as called for by the Governing Body at its 325th Session and assure the alignment of such work with the outcomes of the Programme and Budget for 2016–17;*
- (c) *prepare a plan for the ILO's role in assisting member States, where needed, to develop data production, collection and methodologies for the sustainable development indicators connected to the ILO's mandate;*
- (d) *report to the Governing Body at its 328th Session (November 2016) on the roll out of the Office's 2030 Implementation Plan, including the further elaboration of the ILO's Development Cooperation Strategy.*

(GB.326/INS/5, paragraph 33.)

Sixth 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

Information on progress achieved (GB.326/INS/6(Rev.))

58. *The Worker spokesperson* noted with interest the Guatemalan Government's abolition of the differentiated minimum wage decree and the steps taken by the Ministry of Labour and Social Welfare to process trade union registration requests. However, it was extremely worrying that no progress had been made to protect labour leaders and punish perpetrators of violence against trade unionists. Over 73 trade unionists had been killed and the Government had failed to make any arrests. The Workers were concerned by the continuous position of the Public Prosecutor's Office, which questioned the anti-union motivation of many of the murders while at the same time admitted that the appropriate investigation procedures had not taken place. Trade unions had not been informed of any agreement with the International Commission against Impunity in Guatemala to inquire into the murders, and the Government had not involved trade unions in the development of the protocol to implement security measures.
59. The Government had rushed through roadmap actions before each Governing Body session; however, no progress had been made in the implementation of numerous points. The trade unions' proposed legislative amendments to ensure compliance with Convention No. 87 had been ignored; there had been no reforms to enable labour inspectors to enforce the law, to reduce non-compliance with worker reinstatement orders or to discipline judges who delayed labour prosecutions; the Committee for the Settlement of Disputes had not received the necessary resources; and trade unions were under attack in the media. The Government needed to address point 9 to strengthen the campaign on promoting freedom of association and collective bargaining. It was unacceptable for the Government to blame public sector

workers for decades of financial mismanagement, particularly given the corruption scandals that had marked the previous Administration. The Government should use the awareness-raising campaign to convey the importance of collective bargaining to the public. In addition, the difficult situation faced by workers on banana and sugar cane plantations was unacceptable in a country that wanted to respect the rule of law. The Workers acknowledged the positive role played by the Special Representative of the Director-General in Guatemala and his efforts to promote social dialogue. The Workers expected to see tangible progress on all the issues raised by November 2016, and could agree to defer the decision on the appointment of a Commission of Inquiry until then.

60. *The Employer spokesperson* said that positive steps taken since the adoption of the roadmap included the creation of the tripartite Committee for the Settlement of Disputes, the increase in trade union registration and the tripartite agreement to request technical assistance from the ILO to amend labour laws. However, the lack of strong institutions and a regulatory framework to guarantee freedom of association remained a cause for concern. Substantial progress was needed on the protection of threatened individuals and on the investigation of crimes against trade unionists. The legislative reform recommended by the high-level mission should be adopted as a matter of urgency. Further action was needed to raise awareness of freedom of association and collective bargaining, and the Committee for the Settlement of Disputes should be adequately resourced to function properly. He encouraged the international community to facilitate the resources required to further the work of the Special Representative of the Director-General for Guatemala. The Employers supported the draft decision.
61. *A Government representative of Guatemala* (Minister of Labour and Social Welfare) said that the attendance of high-ranking members of the Government was evidence of its dedication to respecting the principles and values promoted by the ILO. The Government was committed to introducing public policies that would create decent work and economic development, and to complying with the Memorandum of Understanding and implementing the roadmap to resolve the grievances contained in the complaint. The challenges of institutional weakness, budgetary constraints and the lack of institutional coordination and social dialogue required structural and cultural change, extending beyond the new Government's current term of office. The Ministry of Labour and Social Welfare had five key strategies: combat corruption within the Ministry; strengthen the labour inspectorate, particularly on occupational safety and health; eradicate child labour; develop a national policy for decent work; improve national security, on the basis of decent work to prevent crime and migration, and protect human rights.
62. In its first two months in office, the Government had already taken steps to comply with the roadmap and timeline. It had held meetings with representatives of employers and workers, the Comptroller's Office and the Human Rights Ombudsman, and the President had received trade union leaders on two occasions. The registration procedure for trade unions was being simplified, and 62 unions had been registered that year alone – 26 of which since the publication of the ILO report. Meetings had been held with key figures in the judiciary, the Public Prosecutor's Office and the International Commission against Impunity in Guatemala with a view to improving the effectiveness of investigations and prosecutions concerning deaths of trade unionists. She condemned the loss of life resulting from violence in her country, and human rights violations, and underscored the Government's commitment to combating impunity.
63. All requests for protection mechanisms for trade union officials had been granted. There had been a significant increase in 2015 in the number of decisions relating to the reinstatement of workers subjected to anti-union dismissals. A proposal for the establishment of special criminal tribunals for offences relating to freedom of association and the freedom to work had been drafted, but financial support was needed for its implementation. She repeated her

request for technical assistance for the tripartite constituents to help them formalize the initiative to review national labour law, particularly with regard to Convention No. 87. The awareness-raising campaign on freedom of association and collective bargaining would be continued on national radio, and information would be translated into various Mayan languages.

- 64.** In addition to activities related to the roadmap, the Ministry had addressed more than 100 complaints relating to mass dismissals of municipal workers following the change in government. A process had been initiated to coordinate with municipal mayors on compliance with labour law, particularly on freedom of association and collective bargaining, and an official communiqué on respecting human rights and reducing conflicts had been issued. A round-table discussion had been held with municipal mayors and workers, with support from the Human Rights Ombudsman and other public bodies. Legal proceedings had brought to light a lack of regulations on collective bargaining in public administration and had called into question the viability of certain agreements, therefore a constructive bipartite dialogue would be initiated to address the situation. A differentiated wage scheme had been abolished in four municipalities, since it introduced wages below the national minimum. The progress achieved was a result of the political will of the new Government and the support of the ILO and the international community, and Guatemala would continue to fulfil its national and international commitments.
- 65.** *Speaking on behalf of GRULAC*, a Government representative of Mexico acknowledged the positive steps taken by Guatemala to meet its international obligations. Given that respect for fundamental rights, such as freedom of association and the right to bargain collectively, was essential to creating decent work, he invited the Office to continue providing the necessary technical assistance for the full implementation of the roadmap in Guatemala. He urged the country's tripartite constituents to continue to engage in social dialogue to reach concrete agreements to ensure lasting solutions and the full application of Convention No. 87. He noted the political will of the new Government to create decent work and ensure respect for labour rights, in full coordination with the ILO, to continue implementation of the roadmap. GRULAC supported the draft decision and invited the international community to provide the necessary resources for the Office of the Special Representative of the Director-General in Guatemala to step up its support for the tripartite constituents.
- 66.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of the Netherlands said that Norway and the Republic of Moldova aligned themselves with the statement. Recent political change and the Government's commitment to increasing engagement with the ILO and implementing the roadmap were welcome. However, impunity remained a major challenge, and there were fears that anti-union discourse in the press could delegitimize unions' work. The Government should make renewed and sustained efforts to produce concrete results, before November 2016, on issues including: approving reforms to the Labour Code; strengthening collective bargaining; combating the climate of anti-union violence; and improving relations between all parties. The EU supported the work of the Special Representative of the Director-General in Guatemala and stood ready to accompany Guatemala in its efforts to comply with ILO Conventions. It was hoped that the corresponding EU-funded project with the ILO would bring about improvements. He supported the draft decision.
- 67.** *A Government representative of Panama* said that in September 2015, the Central American Council of Labour Ministers had agreed to the Guatemalan Ministry of Labour's request for support in overcoming the country's labour-related difficulties. She urged the Government to continue its efforts in that regard and to maintain social dialogue among the tripartite constituents, in order to reach specific agreements that would ensure respect for fundamental labour rights, particularly freedom of association. She supported the draft decision.

68. *A Government representative of the United States* welcomed the Special Representative's expanded mandate in Guatemala, and also looked forward to a strong and productive relationship between the new Government and the ILO. It faced serious, longstanding challenges in the labour arena: few perpetrators of violence against trade unionists had been prosecuted; trade unionists remained at risk and those who received protection had to pay the board and lodging expenses of security officers; the number of registered trade unions had increased, but not the number of collective agreements; and there had been a failure to implement reinstatement orders for dismissed workers. He urged the Government to restore the labour inspectorate's ability to impose sanctions. The United States had regularly advocated the establishment of a Commission of Inquiry in view of the lack of action; however, the new Government's willingness to meet all its commitments under the roadmap and respect fundamental labour standards was very encouraging. He strongly urged the Government to foster effective intergovernmental cooperation, and encouraged it to work closely with the ILO to expedite the drafting of labour legislation and to collect data. To allow sufficient time for reforms, he supported the draft decision.
69. *A Government representative of the Dominican Republic* acknowledged the efforts made by the Guatemalan Government to fulfil its obligations before the ILO through action to promote fundamental labour rights and strengthen social dialogue. She welcomed the technical assistance provided to Guatemala, and supported the draft decision.
70. *A Government representative of Costa Rica* welcomed the commitment made by the Government of Guatemala to continue implementing the roadmap and supported the request for technical assistance to that end.
71. *The Special Representative of the Director-General for Guatemala* said that he had been working with the new Government to continue actions under the roadmap, which required the support of all constituents to achieve the desired results. The Government had demonstrated its willingness to work with the social partners to strengthen social dialogue and tripartism in Guatemala, with ILO support. He had urged the Government to engage in a legislative reform process, as called for by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) for over 25 years, to bring the labour legislation into line with Convention No. 87. The process should be initiated and a draft submitted to Congress without delay, with the participation of employers and workers and with ILO technical assistance. In the interim, work was being carried out with the Labour Committee of Congress to raise awareness of the ILO and the required reforms.
72. Despite the increase in the number of trade unions registered, registration procedures still needed to be simplified and processing times reduced. It was also vital to strengthen collective bargaining, particularly in the public sector, to prevent third-party interference. Clear rules were also needed which would promote good faith and the legal certainty of collective agreements concluded. Progress had also been made with regard to the Committee for the Settlement of Disputes, which had gained the support of employers and workers; however, it required administrative support in order to achieve prompt results. The awareness-raising campaign on freedom of association should be resumed in the media with broadest coverage, in order to inform a larger proportion of the population of their fundamental labour rights.
73. The climate of anti-union violence in the country was a matter of concern. It was necessary to improve protection of union officials who had received threats, and to support the legal system to increase prosecutions in cases of murders of trade unionists. To that end, the ILO in Guatemala, with the assistance of the Office of the United Nations High Commissioner for Human Rights, was supporting activities of the Public Prosecutor's Office to revise the relevant normative instructions. It was also necessary to establish a mechanism to monitor the enforcement of reinstatement orders following anti-union dismissals.

Decision

74. Recalling that at its 325th Session, the Governing Body had requested the Office to provide the Officers of the Governing Body, at its March (326th Session) and November 2016 (328th Session), with updated information on the progress made, including information provided by the Government and the employers' and workers' organizations of Guatemala, in particular on the follow-up given to the key indicators and the points of the roadmap, and, taking into account the information communicated by the tripartite constituents of Guatemala in this regard, the Governing Body decided to:

- (a) urge the Government to take, without delay, all the measures necessary to fully implement the key indicators and the roadmap, including the priority areas that continued to require additional and urgent action;*
- (b) defer to its 328th Session (November 2016) the decision to consider the appointment of a Commission of Inquiry;*
- (c) include this item on the agenda of its 328th Session (November 2016); and*
- (d) invite the international community to facilitate the necessary resources to enable the office of the Special Representative of the Director-General in Guatemala to support the tripartite constituents in implementing the Memorandum of Understanding and the roadmap.*

(GB.326/INS/6(Rev.), paragraph 46.)

Seventh 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 of the International Labour Conference under article 26 of the ILO Constitution
(GB.326/INS/7(Rev.))

75. The Worker spokesperson noted that, at the conclusion of the ILO tripartite mission, the Government of Fiji had tacitly acknowledged that the reform of Employment Relations Promulgation (ERP) did not comply with Convention No. 87 and had subsequently agreed to a further Tripartite Agreement on legislative reform. Most of the reforms under that Agreement had been implemented, but some issues remained. The ILO should provide training and capacity building to ensure the effective functioning of the Arbitration Court, which was to become operational in the near future, and should provide the Employment Relations Advisory Board (ERAB) with the recently requested technical assistance on determining essential services. The period within which workers dismissed under the Essential National Industries Decree (ENI Decree) could apply for compensation had been extended due to Tropical Cyclone Winston, while the time limit on registration for trade unions that had been deregistered had been waived. Progress was also being made on the ERAB's work to ensure that the ERP complied with ILO core Conventions. However, the expansion of the ERAB to include organizations without the status to review labour laws

was hindering the process and was inconsistent with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); therefore, the Fiji Trades Union Congress (FTUC) had requested that the original board should be reinstated. The Government should ensure that social partners could engage effectively to ensure that all ILO core Conventions were respected and that labour law processes were completed without delay. The Political Parties Decree prohibiting trade unionists from becoming members of political parties and engaging in political activities was a further concern.

76. The ILO must continue to monitor the implementation of the Tripartite Agreement. Provision of development cooperation, technical assistance and capacity to the tripartite constituents would be key to progress. The work needed for Fiji to comply fully with Convention No. 87 could be addressed through the regular supervisory process, and a Commission of Inquiry was not needed. He therefore supported the draft decision.
77. *The Employer spokesperson* supported the draft decision.
78. *A Government representative of Fiji* noted that at the end of the tripartite mission, a Joint Implementation Report had been signed between the Government, the Fiji Commerce and Employers' Federation and the FTUC, which contained important achievements and concessions of the social partners. The parties had agreed that there was no need to pursue the complaint under article 26 of the ILO Constitution, since all relevant issues had been resolved. One month after signing the Joint Implementation Report, the resultant Employment Relations (Amendment) Act 2016 had been approved by Parliament and entered into force. The Act allowed government employees to access and utilize the ERP and its institutions, deleted references to bargaining units, made provisions for enterprise unions, reinstated grievances that had been terminated under the ENI Decree and enabled affected workers to apply for compensation, and provided for the registration of trade unions that had been deregistered as a result of the Decree. A more representative, expanded ERAB had committed to monthly meetings to continue to review legislative compliance with ratified ILO Conventions. The expanded ERAB would be a means to implement real change and labour reform, and had sought technical assistance and advice from the ILO on promoting better labour relations. The Government of Fiji intended to refocus its efforts to increase its involvement with the ILO on topics such as decent work for all, disabilities in the workplace, gender parity and youth employment.
79. Labour reforms introduced in the previous six years included increased pay for government workers, reduced income taxes and corporate taxes, and the establishment of a national minimum wage. The reforms had helped ensure that the economy of Fiji was resilient to external economic and environmental impacts. However, the devastation of Tropical Cyclone Winston four weeks previously rendered it crucial that Fiji should maintain an environment of economic stability, sustainability and growth, coupled with the rebuilding of labour relations and achievement of sustainable labour practices. Her Government fully supported the draft decision.
80. *Speaking on behalf of the Governing Body, the Chairperson* expressed sympathy and solidarity with the people of Fiji in the aftermath of Tropical Cyclone Winston.
81. *Speaking on behalf of ASPAG*, a Government representative of India welcomed the successful execution of the Joint Implementation Report. He noted that the achievements and concessions had been formalized through an amendment of the ERP and that the Government was actively engaging with the social partners through the ERAB to ensure compliance with international labour standards. He endorsed the draft decision.
82. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that Norway and Georgia aligned themselves with the statement. He

welcomed the Joint Implementation Report and the adoption of the Employment Relations (Amendment) Bill, and encouraged the Government to take advantage of technical assistance from the ILO in the future. He would welcome a follow-up from the ILO supervisory system on the implementation of recently adopted legislation, the functioning of the ERAB and all outstanding issues of the article 26 complaint. He supported the draft decision.

- 83.** *A Government representative of China* noted the progress made by the Government of Fiji. The issues raised at the previous session of the Governing Body had been addressed and he therefore supported the draft decision.
- 84.** *A Government representative of the United States* commended the Government, workers and employers of Fiji on their efforts to jointly resolve issues of non-compliance with Convention No. 87. He urged the Government to continue working through tripartite dialogue and to address the remaining issues, with technical assistance from the ILO. He supported the draft decision.
- 85.** *A Government representative of India* welcomed the signing of the Joint Implementation Report and commended the measures taken by the Government of Fiji to address all aspects of the complaint, particularly the prompt adoption of the Employment Relations (Amendment) Act 2016. She noted the Government's willingness to engage constructively with the social partners and to seek technical assistance from the ILO to further strengthen the protection of labour rights. She welcomed the tripartite consensus that had emerged to close the complaint.
- 86.** *A Government representative of Australia* said that New Zealand aligned itself with the statement. She took note of the signing of the Tripartite Agreement and the legislative changes. The Australian Government remained committed to working with the Government of Fiji on labour legislation and practice. The recent ILO training on international labour standards in Fiji had received positive feedback and similar sessions should be held in the future. She supported the draft decision.

Decision

87. *The Governing Body, on the recommendation of its Officers, decided:*

- (a) that the complaint presented originally in 2013 would not be referred to a Commission of Inquiry;*
- (b) that, as a result of this decision, the procedure filed under article 26 of the ILO Constitution, in June 2013, be closed.*

(GB.326/INS/7(Rev.), paragraph 5.)

Eighth item on the agenda

Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution (GB.326/INS/8(Rev.))

88. *The Chairperson* said that in response to the Governing Body's decision of 11 November 2015 and at the invitation of the Government of Qatar, she had participated in a high-level tripartite visit to Qatar with the Employer and Worker Vice-Chairpersons from 1–5 March 2016. The delegation had met with a wide range of actors and conducted numerous site visits, enabling them to assess all measures taken to address all issues raised in the complaint. Their report was contained in Appendix II to document GB.326/INS/8(Rev.).
89. *The Worker spokesperson* said that the organization of the visit and cooperation with the delegation had been good. Before discussing the report, he drew attention to the case of a Nepalese migrant worker, Mr Ujjwol Bk, known as Basanta, with whom the delegation had spoken during the visit. Following the expiration of Mr Basanta's two-year contract in Qatar, his company had failed to provide him with a return air ticket and a no objection certificate, and his identification documents had not been renewed. He had been allowed by the company to continue working without legal status as a worker, had received his salary in cash only, and had not been paid for the past three months. After speaking to the ILO delegation, he had been dismissed by the company and given 48 hours to leave Qatar. The ILO had prevented his deportation to Nepal and he had filed a complaint in the labour court allowing him to remain in the country for three months without a work permit. The retaliation against Mr Basanta was a clear and serious violation of the right to freedom of association and expression, and a blatant breach of the Qatari Government's assurance to the delegation that workers who spoke to them would be protected from retaliation. The Workers demanded that Mr Basanta be reinstated immediately and that his outstanding wages be paid.
90. Turning to the report, while the accommodation strategy developed by the Government and the progress made with regard to accommodation at various sites were encouraging, the projects concerned housed only a small fraction of the total migrant worker population and conditions in the labour camp that the delegation had chosen to visit had been terrible. The Workers endorsed the new wage protection system and looked forward to obtaining data on its operation, in addition to further information on the establishment of bank accounts for workers. The hiring of additional inspectors was welcome, but more were needed. The low number of interpreters recruited for inspections remained an issue. He requested follow-up on the measures taken to prevent contract substitution, and clarification of the situation with regard to the reform of the exit permit system. He noted that recruitment fees continued to be charged to workers, and asked for information on follow-up on measures to prevent schemes to evade contract regulations. With regard to passport confiscation, he expressed the hope that Law No. 21 of 2015 would be meaningfully enforced where previous legislation had not.
91. The continued delay in adopting a law on migrant domestic workers was regrettable and should be urgently addressed. Any new law should fully comply with the Domestic Workers Convention, 2011 (No. 189). There was no freedom of association in Qatar and workers who

acted collectively against unfair treatment or unsafe environments were often detained or deported. In response to claims of progress in Qatar, he drew attention to the section in the report on meetings with migrant workers, which detailed the poor conditions in which they lived and worked. Although positive initiatives had been taken by the Government and major enterprises, they were insufficient to improve the situation for the 1.7 million migrant workers in the country. The Workers reluctantly supported the draft decision.

- 92.** *The Employer spokesperson* said that he had found the high-level tripartite visit to Qatar both useful and effective. The request for follow-up to the delegation's assessment, set out in subparagraph (a) of the draft decision, was quite general. It reflected the substantive progress made in a number of areas and allowed the Government of Qatar to determine how it would approach the remaining challenges. The focus of that subparagraph on vulnerable migrant workers was intended to ensure that all groups of workers benefited from reforms, rather than call for different rules for different groups. Subparagraph (b) did not repeat the previous request that Qatar should seek technical assistance from the ILO to annul the sponsorship system. The Government of Qatar had indicated during the visit, however, that it wished to engage with the ILO in that regard, which would be crucial to progress. The decision to defer consideration of the appointment of a commission of inquiry for another year was unusual, yet reflected the wish to allow the Government of Qatar time to live up to the tripartite delegation's expectations.
- 93.** He acknowledged the commitment of the Government of Qatar to respect the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), and expressed support for the draft decision.
- 94.** *A Government representative of Qatar* said that his country respected international conventions and was open to the world. Under the Constitution, all people residing in Qatar were equal before the law, without distinction or discrimination based on gender, nationality, skin colour or religion. Migrant workers were part of the fabric of society and, as partners in sustainable development, their efforts were appreciated. Their basic rights were protected by national legislation and international agreements and implemented in practice. Wrongful individual practices were not indicative of the State's policies, which welcomed migrant workers. The information presented by the Worker spokesperson would be treated seriously and all necessary steps taken, in accordance with the law. During their visit, the tripartite delegation had noted the genuine and serious efforts by all state bodies to uphold ILO standards.
- 95.** He proposed a number of amendments to the draft resolution. References to the remaining challenges and to the most vulnerable migrant workers should be deleted, since the tripartite delegation had recognized the tangible measures taken by Qatar and its commitment to the ILO, and since incoming migrant workers enjoyed the same legal protection, rights and responsibilities as other people. Furthermore, the report by Qatar on follow-up to the tripartite delegation's assessment and the implementation of Law No. 21 of 2015 should be deferred until the 331st Session of the Governing Body in November 2017, to allow additional time. Moreover, there was no need to refer to consideration of the establishment of a commission of inquiry until the 329th Session of the Governing Body, in March 2017, since that mechanism was referred to in the Constitution of the ILO and could be used whenever there was justification to do so. The deployment of that mechanism at the present juncture would represent a prior judgment of the complaint by the Governing Body. Qatar would continue to cooperate with the ILO and its Governing Body and looked forward to making progress so that the complaint could be closed.
- 96.** *Speaking on behalf of ASPAG*, a Government representative of India welcomed the decision by the Government of Qatar to receive a high-level tripartite visit and the transparency and cooperation that it had shown to its members. The report highlighted a number of concrete

measures taken by the Government of Qatar to improve employment conditions, make the complaints system more accessible for migrant workers and increase the capacity of the labour inspectorate. ASPAG welcomed the efforts made by the Government and called on the Governing Body to duly acknowledge the progress made to address the problems raised in the complaint.

97. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Serbia, Albania, Norway and Switzerland. He welcomed the Government of Qatar's acceptance of the high-level tripartite visit and noted the concrete measures that it had taken in law and practice to address the issues raised in the complaint. While acknowledging the improvements on exit visa regulations, further information on the effects of Law No. 21 and its implementation was needed in order to assess the measures put in place, particularly concerning the functioning of the Exit Visa Appeals Committee. Concern also remained that a change of employer was only allowed after the completion of a contract or after five years. The Government should use the time prior to the entry into force of Law No. 21 to take the necessary steps to prepare for its full implementation. Regarding the steps taken to strengthen labour inspection, more information would be welcome regarding the number of labour inspection visits carried out and the results of such visits. Although initiatives had been developed to make complaints mechanisms more accessible, they were not being accessed by all migrant workers in need. Such initiatives should be accompanied by a range of actions to increase awareness of, and accessibility to, the system, especially among vulnerable workers. He requested the Government to provide information on the number of complaints filed and their outcome. The Asia Regional Forum on Business and Human Rights to be held in Doha in April 2016 would provide an opportunity to expedite the implementation, and raise awareness, of the UN Guiding Principles on Business and Human Rights. The Government of Qatar should continue enhancing cooperation with labour-sending countries to address the abusive practices of certain recruitment agencies. Domestic workers were still not covered by labour law and the Government should take prompt action to protect them in law and practice. It should continue to work with the ILO to follow up the assessment of the high-level tripartite delegation, in particular with regard to the most vulnerable migrant workers. He supported the draft decision.
98. *Speaking on behalf of the Arab group*, a Government representative of the Sudan said that the cooperation of the Government of Qatar with the high-level tripartite visit reflected its openness and determination to fulfil its obligations towards the ILO. The report indicated that the Government had taken a number of measures to protect migrant workers and increase transparency and monitoring. It had fully cooperated with the ILO and other bodies, and consequently there was no justification for maintaining the item on the agenda of the Governing Body. Note should be taken of the report and the Government of Qatar should be encouraged to continue making progress.
99. *Speaking on behalf of the Gulf Cooperation Council*, a Government representative of Bahrain said that the openness of the Government of Qatar in dealing with the high-level tripartite visit was a testament to its honesty and wish to cooperate with the Governing Body. The report indicated that the Government had taken a number of positive measures to bring about changes in national law and practice that were delivering results. He praised the Government's efforts and called on it to continue cooperating with the Governing Body and various other institutions. In that light, he wished to support the position taken by the head of the delegation of Qatar in relation to the recommendations proposed to the Governing Body and proposed their inclusion in the draft decision.
100. *A Government representative of the United States* said that, while the Government of Qatar had taken a number of positive steps to address the long-standing concerns highlighted in the complaint, many challenges remained regarding the enforcement of labour laws, passport

confiscation, exploitative recruitment practices, legal provisions that prevented workers from leaving abusive employment situations, and workers' lack of access to an effective system of justice. In particular, the new Law No. 21 fell short of providing full protection for migrant workers, vulnerable workers such as domestic workers being excluded. In that light, the Government should take further action to address the challenges remaining by following up on the recommendations made by both the ILO Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards, and by the ILO high-level tripartite delegation. To that end he encouraged the Government to avail itself of ILO technical assistance and supported the draft decision.

- 101.** *A Government representative of China* said that the Government of Qatar had responded actively to the Governing Body and had taken measures to improve labour legislation and working conditions for migrant workers. In that light, he supported the amendment proposed by the representative of Bahrain to the draft decision.
- 102.** *A Government representative of the Bolivarian Republic of Venezuela* said that it had noted the concrete measures taken by the Government of Qatar to ensure compliance with Conventions Nos 29 and 81 and did not consider that, in the circumstances, it would be appropriate to appoint a commission of inquiry. Accordingly, he supported the amendment of the draft decision.
- 103.** *A Government representative of the Russian Federation* said that the measures taken by the Government of Qatar demonstrated its readiness to cooperate with the ILO and he urged the Office to adopt a constructive attitude through a compromise position. He supported the deletion of the wording "most vulnerable migrant workers" from point (a) given that it did not add much to the draft decision. He also supported amending point (b) to provide more time for the consideration of the effectiveness of Law No. 21 once it came into force.
- 104.** *A Government representative of the Sudan* said that while a number of measures had been taken by the Government of Qatar, a number of problems remained and some of the measures adopted were yet to be implemented. However, the Government had cooperated fully and shown an attitude of good faith that was not reflected in the draft decision. The *raison d'être* of the complaint had ceased to exist and the Governing Body should remove the item from its agenda. If that was not possible, he wished to introduce amendments to the draft decision, which had been circulated to the Governing Body. There was no need to make mention of "the most vulnerable migrant workers" under point (a) as the new legal provisions treated all migrant workers equally. Regarding the follow-up to Law No. 21 requested under point (b), the Governing Body should wait until the law came into force in order to assess its effects. Likewise, regarding point (c), a commission of inquiry would not be appropriate at that stage as it could undermine the positive work that Qatar had done and intended to do in the future.
- 105.** *A Government representative of the United Arab Emirates* said that the Government of Qatar had shown its willingness to make progress and cooperate with the ILO and the social partners. He welcomed the positive measures taken by the Government; the protection of workers' rights had improved. It would be premature to carry out an assessment of the impact of the measures that had recently been undertaken. He urged the Governing Body to take into account the Government's efforts. He supported the Government in its efforts.
- 106.** *A Government representative of Zimbabwe* said the report acknowledged that the Government of Qatar had taken positive steps and urged the Government to continue to work towards addressing the remaining issues.

- 107.** *A Government representative of Algeria* he said that based on the report, the Government of Qatar had made significant progress. There had been improvements regarding wage protection, and the living and housing conditions of migrant workers. Given the positive changes in the law and the measures already in place, he supported the amendments proposed by the Government of Sudan.
- 108.** *A Government representative of Pakistan* said that the Government of Qatar had shown sincere cooperation with the high-level tripartite delegation. Substantive progress had been made and the Government had shown its commitment to addressing the remaining concerns of workers. She welcomed the adoption of Law No. 21 of 2015 and the new wage protection system. She supported the amendments to the draft decision proposed by the Government of Qatar.
- 109.** *A Government representative of India* said that the high-level tripartite delegation had had a successful visit and met with the relevant stakeholders. It had acknowledged the Government of Qatar's full support and cooperation. The tripartite delegation's assessment had noted a number of measures implemented to protect the rights of migrant workers. The Government was encouraged to continue with its reform process and further strengthen labour protection and labour rights in the country. He called on the Governing Body to take account of the significant measures already undertaken by Qatar. He supported closing the complaint under consideration, as well as the amendments to the draft decision proposed by the Government of Qatar.
- 110.** *A Government representative of Mexico* said that he had taken note of the report of the high-level tripartite delegation and the information presented by the Government of Qatar. It had taken steps to improve the labour conditions of migrant workers, including through the adoption of Law No. 21. Respect for fundamental labour rights were essential for decent work. He welcomed the Government's willingness to collaborate with the ILO and urged it to continue to do so.
- 111.** *A Government representative of Turkey* welcomed the high level of cooperation that the Government of Qatar had shown during the high-level tripartite visit. The report of the high-level tripartite visit included an assessment of a number of measures taken by the Government in law and in practice to address the issues raised in the complaint. Significant improvements included the expected entry into force in December 2016 of Law No. 21 of 2015, and the new wage protection system. The Government was commended for strengthening the capacity of the labour inspectorate, improving migrant workers' access to complaint mechanisms, and taking steps to prevent the practice of contract substitution. Those measures indicated the Government's willingness and commitment to continue its efforts to protect the rights of migrant workers. The Government was encouraged to continue working closely with the ILO. He hoped a consensus would be found regarding the amendments proposed by the Government of Sudan.
- 112.** *A Government representative of Mauritania* said that the Government of Qatar had shown its commitment to the implementation of Conventions Nos 29 and 81 by taking measures to address the problems set out in the complaint. He supported the amendments to the draft decision proposed by the Government of Sudan and the closure of the complaint.
- 113.** *A Government representative of Thailand* said that he welcomed the continued efforts by the Government of Qatar to promote and protect the rights of migrant workers in the country, as well as its cooperation with international and regional organizations. The high-level tripartite delegation to Qatar had recognized that the Government was addressing the long-standing challenges regarding the sponsorship system by enacting Law No. 21. Labour inspection systems had also been strengthened. He supported the position of the Government of Qatar regarding the draft decision.

- 114.** *A Government representative of Bangladesh* said that the Government of Qatar had made significant progress in addressing the issues raised in the complaint and called on the Governing Body to take that into account. He welcomed the adoption of Law No. 21 and he encouraged the Office to extend development cooperation to Qatar. He supported the amendments to the draft decision.
- 115.** *A Government representative of Cuba* said that all parties had made progress in a spirit of cooperation. He urged them to continue on that path.
- 116.** *A Government representative of Bahrain* said that the measures taken by the Government of Qatar to address the problems in the complaint showed its respect for international labour standards. It had worked effectively and transparently to deal with the problems, including through the adoption of Law No. 21, the new wage protection system and the complaint mechanisms. He supported the amendments proposed by the Government of Qatar, the Government of Sudan and by other States supporting the same view.
- 117.** *A Government representative of Canada* recognized the efforts of the Government of Qatar to improve the labour rights of migrant workers in Qatar. He welcomed the high-level tripartite visit and the cooperation the Government had demonstrated. He welcomed the Government's efforts to strengthen the labour inspectorate and had noted Law No. 21 of 2015 and the law on the wage protection system. The Government was urged to implement the laws as soon as possible. He looked forward to the report in March 2017 outlining the implementation of Law No. 21 and to further information relating to the follow-up to the report of the high-level tripartite visit. The Government of Qatar had taken action but challenges remained. Canada was prepared to support the Government in its efforts to observe international labour standards. He supported the draft decision as presented by the Office.
- 118.** *A Government representative of Jordan* welcomed the positive atmosphere in which discussions had taken place and hoped that it would be possible to reach a consensus.
- 119.** *A Government representative of Qatar* thanked the participants for recognizing the positive efforts made by his Government. He welcomed the amendment proposed by the Government of Sudan. In a spirit of compromise, he supported the views expressed, including the proposal to postpone consideration of the case until November 2017.
- 120.** *The Worker Vice-Chairperson* said that he would not accept the proposed amendments to the draft decision. While the report of the high-level visit acknowledged progress in certain areas, challenges remained. Removing the reference to those challenges in point (a) would be failing to put an end to a system of discrimination and was therefore not acceptable. The original draft decision points in points (b) and (c) were normal practice. The Governing Body should be allowed to assess the follow-up. The seriousness of the situation faced by migrant workers required nothing less. As Qatar had already been given extra time to report on the implementation of Law No. 21, further postponement would not be acceptable. He said he was shocked at the proposal to delete the deferral of the appointment of a commission of inquiry in point (c). The point reflected usual practice. He did not understand why an exception would be made for Qatar. He reiterated support for the original draft decision as it was objective.
- 121.** *The Employer Vice-Chairperson* said that the Government had responded favourably to the visit. Progress had been made and was recognized in the report. However, workers were still being denied their rights under Conventions Nos 29 and 81. Regarding point (a), the Government was being asked to report on the follow-up. If, following that report, it was clear that the problems had been solved there would be no need for a commission of inquiry. That was standard procedure. He supported the original draft decision.

122. *The Government representative of Qatar* said that his proposed amendments to the draft decision did not entail substantive changes to its content; rather they were intended to reflect more accurately the efforts made by the Qatari authorities to give effect to the Governing Body's recommendations and the positive results that had been achieved in that regard. While some issues were still pending, the current wording of the draft decision had a somewhat negative connotation, which was at variance with the good faith shown by the Qatari authorities in reacting positively to the Governing Body's recommendations.
123. The reference to the most vulnerable migrant workers in point (a) of the decision was superfluous because all migrant workers in Qatar were afforded equal treatment and did not suffer discrimination. The efforts made by the Qatari authorities benefited all migrant workers. The Government of Qatar was in the process of drafting another report outlining the results of the measures taken in the light of the assessment of the high-level tripartite delegation. As Law No. 21, which was referred to in point (b) of the draft decision, would only enter into force in December 2016, the Government of Qatar would not have sufficient time to produce a comprehensive report on its implementation for the March 2017 session of the Governing Body and so wished to defer submission of such a report until November 2017. The representative of the Sudan's proposed amendment to point (c) did not exclude the possibility of considering the appointment of a commission of inquiry; rather it deferred such consideration until November 2017.
124. *The Chairperson* said that she took it that the Government of Qatar now wished to adjust the proposed amendment to point (c) of the draft decision so as to defer further consideration of the appointment of a commission of inquiry, and not the complaint itself, until November 2017.
125. *The Government representative of Qatar* said that the Government of Qatar would prefer point (c) to be deleted in its entirety. However, given that it was the Governing Body's prerogative to request the appointment of a commission of inquiry if the relevant conditions were met, the Government of Qatar was prepared to consider the possibility of appointing such a commission in November 2017, in keeping with the proposal made by the representative of the Sudan. However, the Government of Qatar was still of the opinion that point (c) had a negative connotation because it anticipated the efforts that the Government would continue to make to meet its obligations. If the reports on the follow-up to the assessment of the high-level tripartite delegation and the implementation of Law No. 21 demonstrated that progress had been and was continuing to be made, there was no reason why the complaint could not be dropped. The Government of Qatar therefore wished to retain the amendment deferring further consideration of the complaint itself to November 2017.
126. *An Employer member from the United Arab Emirates* said that migrant workers in Asia were also benefiting from the improvements made to the Qatari labour system. The Government of Qatar had responded and was continuing to respond favourably to the recommendations made to it by the high-level tripartite mission. Therefore, due consideration should be given to the amendments to the draft decision proposed by the representative of Qatar, which he supported.
127. *A Government representative of Japan* proposed postponing the decision until the following day, so as to allow the Government of Qatar more time to examine alternative solutions.
128. *A Government representative of India* said that he supported the proposal made by the representative of Japan.
129. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that Serbia, Albania, Norway and Switzerland aligned themselves with the

statement. He continued to support the original draft decision and wished for it to be adopted forthwith.

130. *A Government representative of the United States* said that he too continued to support the original draft decision and wished for it to be adopted straight away.
131. *The Chairperson* said that there appeared to be majority support for the original draft decision prepared by the Office.
132. *A Government representative of the Sudan* said that the Qatari authorities were to be commended on having done away with the *kafala* system and on having established contractual relationships between employers and workers. While there was room for further improvements in Qatar, it would be remiss of the Governing Body not to take due note of the efforts and progress already made in improving the situation of migrant workers in the country. The Government of Sudan could therefore not support the adoption of the draft decision without the amendments proposed by the representative of Qatar.
133. *A Government representative of Bahrain* said that the amendments to the draft decision proposed by the representative of the Sudan and supported by a number of other countries did not entail substantive changes to its content; rather they were intended to reflect more accurately the progress made by the Government of Qatar in a number of areas. The Governing Body should recognize the efforts of the Qatari authorities and not send a negative message that could hamper further reforms in the country. He supported the draft decision as amended. If there was a need for further discussions on the amendments, he would support the proposal made by the representative of Japan to postpone the decision until the following day.
134. *The Worker Vice-Chairperson* said that there was majority support for the original draft decision prepared by the Office and that it should be adopted without further delay.
135. *A Government representative of France* said that further discussions on the amendments would serve no purpose, as the majority were already in favour of adopting the original draft decision.
136. *Government representatives of China, the Republic of Korea and the United Arab Emirates* said that they supported the proposal made by the representative of Japan to postpone the decision until the following day.
137. *The Worker Vice-Chairperson* said that there was still clear majority support for the original draft decision prepared by the Office and that it should have been adopted as requested. The Workers' group could not accept the new proposed amendments, as doing so could undermine the Governing Body's procedure for dealing with future complaints submitted under article 26 of the ILO Constitution. He called for a vote on the draft decision.
138. *A Government representative of the Sudan* said that the amendment to the draft decision with deferral to November 2017 should be retained, so that there was sufficient time to evaluate the efforts made by the Government of Qatar.
139. *The Worker Vice-Chairperson*, speaking on a point of order, said that since his group had called for a vote on the original text of the draft decision, the discussion could not be reopened.
140. *The Chairperson*, after consulting with the Legal Adviser, said that in such cases the presiding officer had the prerogative to give the floor to additional delegates and, after consulting with the two Vice-Chairpersons, to decide whether a vote should be held.

141. *A Government representative of Bahrain* said that he supported the proposal made in the spirit of consensus by the representative of Sudan. The representative of Qatar had not called for a change in the content of the draft decision but had simply requested time for the Government to carry out its efforts.
142. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that he supported the Worker Vice-Chairperson's call for a vote and endorsed the original text of the draft decision.
143. *The Chairperson*, after consulting with the two Vice-Chairpersons, said that it had been decided to follow the Governing Body's tradition of taking decisions by consensus. The document contained in the appendix to the report was an accurate account of the high-level tripartite visit conducted by the Chairperson and Vice-Chairpersons from 1 to 15 March 2016. The fact that the delegation of Qatar at the current Session of the Governing Body was headed by the country's Minister of Administrative Development, Labour and Social Affairs was a clear sign of the Government's desire to cooperate with the ILO, and the visit report acknowledged the open and engaging approach taken by the national authorities. However, there were still challenges to be overcome. While she understood the Government's desire for more time to examine the impact of Law No. 21 of 27 October 2015 after its entry into force, the international community and the social partners would like to be updated on developments in the situation as soon as possible. Despite their differences of opinion, members of the Governing Body had a single goal: the betterment of workers in Qatar.

Decision

144. *Recalling the decision adopted in its 325th Session (November 2015) and taking into account the assessment contained in the report of the high-level tripartite delegation (Appendix II of document GB.326/INS/8(Rev.)) which acknowledged that the Government of Qatar had taken a number of concrete measures and that at the same time many challenges remained, the Governing Body decided to:*
- (a) request the Government of Qatar to follow up on the assessment of the high-level tripartite delegation, particularly with respect to the most vulnerable migrant workers;*
 - (b) request the Government of Qatar to report on the follow-up to the assessment of the high-level tripartite delegation to be discussed at the 328th Session (November 2016) and on the implementation of Law No. 21 of 2015, upon its entry into force, at the 329th Session (March 2017); and*
 - (c) defer further consideration on the appointment of a commission of inquiry until its 329th Session (March 2017), in light of the information referred to in paragraphs (a) and (b) above.*

(GB.326/INS/8(Rev.), paragraph 11.)

Ninth item on the agenda

Complaint concerning non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), submitted under article 26 of the Constitution by several delegates to the 104th Session (2015) of the International Labour Conference
(GB.326/INS/9(Rev.) and (Add.))

145. *The Employer spokesperson* recalled the conclusions of the Report of the Committee on Freedom of Association in regard to the Bolivarian Republic of Venezuela (GB.323/INS/9) and of the report of the high-level tripartite mission to that country (GB.320/INS/8). Regrettably, no satisfactory tangible measures had been taken to initiate the bipartite or tripartite social dialogue requested by the mission, nor had the Government provided the plan of action which the mission had deemed necessary. Serious shortcomings in the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), remained.
146. The Bolivarian Republic of Venezuela had the highest rate of inflation in the world. It was suffering from a deep recession, massive unemployment and food shortages that gravely affected its citizens' quality of life and impinged on business activity. Non-respect for freedom of association and the lack of social dialogue had contributed to that situation, which had escalated at two levels. In February 2016, the Government had announced a series of economic measures without consulting employers, including as to the increase of the minimum wage, in violation of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26). In addition, it had harassed leaders of the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) and of the Polar company in a manner which constituted a breach of Convention No. 87. On 10 March 2016, the National Assembly had adopted a resolution requesting technical assistance from the ILO. Employers were calling for an end to threats, harassment, intimidation and arbitrary expropriation and were requesting fair compensation for such expropriations. They were asking to reactivate genuine social dialogue, and for a plan of action with a timeframe for its implementation. The Government was allegedly planning a timetable for social dialogue including representatives of FEDECAMARAS, but had made such promises in the past and failed to keep them. Any delay in the adoption of measures to counter social instability would have dire consequences for Venezuelan workers, employers and the population in general. The Employers therefore supported the draft decision.
147. *The Worker spokesperson* said that a meeting had been held with representatives from the Employers' group and the Venezuelan Government on how to address the issues raised by the Employers in their complaint. During the meeting, the Government had presented a plan of action on social dialogue establishing a bipartite round table, composed of representatives of the Government and FEDECAMARAS, to discuss the complaint, and a tripartite round table to tackle economic issues and issues related to wages, workers' rights and other matters related to ILO Conventions. It was up to the Employers to determine their position on the

Government's offer, which contained several of the recommendations made by the ILO tripartite mission and might constitute a useful mechanism to address the issues in the complaint. The Workers supported the draft decision.

- 148.** *A Government representative of the Bolivarian Republic of Venezuela* recalled that, at the 325th Session of the Governing Body, his delegation had provided legal arguments to justify the inadmissibility of the complaint, as well as information and responses to the ILO to establish that there was no need to appointing a Commission of Inquiry. The information submitted demonstrated not only his Government's compliance with Conventions Nos 26, 87 and 144, but also its political willingness to work with the private sector and continue strengthening social dialogue. Within the context of the National Council on Productive Economy, meetings had been held between the Government and various sectors, including representatives of private enterprises, at which they had agreed to maintain a social agenda, despite the international slump in oil prices and domestic economic situations. A meeting had also been held with representatives from the Employers' and the Workers' groups, which had led to fruitful dialogue and the development of an action plan with specific deadlines for the establishment of round tables to address the issues related to the complaint and to reach an agreement on action mechanisms. The Government had always responded to all requests made by the ILO and the social partners.
- 149.** *Speaking on behalf of GRULAC*, a Government representative of Mexico reiterated that the complaint was not admissible. The Venezuelan Government had provided a timely response to the complaint and had further justified that it would be inappropriate to appoint a Commission of Inquiry. He welcomed the new information contained in the addendum, including the reference to the Government's willingness to work with the private sector and the inclusive policies towards employers. Given the goodwill expressed by the Government, GRULAC was confident that social dialogue would be strengthened. He endorsed the draft decision.
- 150.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that Albania and the Republic of Moldova aligned themselves with the statement. While recognizing the evolving political environment and difficult economic situation in the Bolivarian Republic of Venezuela, he called upon the Government to increase efforts to consult with employers' and workers' organizations and engage in constructive tripartite social dialogue. He supported the draft decision.
- 151.** *A Government representative of the Islamic Republic of Iran* welcomed the approach of the Venezuelan Government reinforcing social dialogue through inclusive policies towards the social partners. It was important for the Government to continue its work to tackle the issues related to the complaint, and for the Office to assist it in fulfilling its promises. He expressed support for the draft decision.
- 152.** *A Government representative of the Russian Federation* said the Venezuelan Government had shown readiness to cooperate with the ILO and the social partners to ensure the observance of freedom of association and other rights under ILO Conventions and expressed the hope that fruitful cooperation would continue. The Bolivarian Republic of Venezuela had regularly provided the ILO and supervisory bodies with the necessary information and had taken measures to promote social dialogue with all of its social partners, including FEDECAMARAS. He supported the request for the Government to submit further information at the following Governing Body session, and expressed concern over attempts to politicize the ILO's work by repeating the same complaints in its various bodies. He rejected the appointment of a Commission of Inquiry.

153. A *Government representative of China* expressed the hope that the ILO would provide the Venezuelan Government with the necessary technical cooperation. There was no need to appoint a Commission of Inquiry.
154. A *Government representative of India* noted that the Conference Committee on the Application of Standards in June 2014 and the report by the Committee of Experts in 2015 had not shown any failure on the part of the Venezuelan Government with regard to Conventions Nos 26 and 144. The issues relating to Convention No. 87 should be left to the Committee on Freedom of Association under Case No. 2254. There was no need to establish a Commission of Inquiry. The ILO should acknowledge the cooperation and commitment of the Venezuelan Government and continue to provide technical cooperation to support its efforts in an objective manner.
155. A *Government representative of the United States* urged the Venezuelan Government to accept the recommendations of ILO supervisory bodies, and expressed support for the draft decision.
156. A *Government representative of Cuba* noted with satisfaction that the documents on the complaint explicitly recognized the political willingness demonstrated by the Venezuelan Government. It was important to build on the progress that had been made. She endorsed the draft decision.
157. A *Government representative of Pakistan* expressed her appreciation for the constructive engagement of the Venezuelan Government in addressing the issues relating to the complaint and its readiness to establish a tripartite social dialogue. She supported the draft decision.
158. A *Government representative of Mauritania* commended the Venezuelan Government on its efforts to meet the requirements of the Conventions concerned, particularly the establishment of the National Council on Productive Economy in 2016. The continuation of social dialogue in the country would reinforce the positive climate between the social partners and help improve the lives of workers. He endorsed the draft decision.
159. A *Government representative of the Dominican Republic* agreed that it was not necessary to appoint a Commission of Inquiry, and hoped that the Venezuelan Government would continue to provide information on the issues related to the complaint. She supported the draft decision.
160. A *Government representative of Zimbabwe* supported the call for strong social dialogue in the Bolivarian Republic of Venezuela and noted the Venezuelan Government's commitment in that regard. The Office should provide further technical support in that area.

Decision

161. *The Governing Body, on the recommendation of its Officers:*

- (a) *taking into account the latest examination by the CEACR in relation to many of the issues raised in the article 26 complaint, contained in document GB.326/INS/9(Rev.), requested the Government and the social partners to provide detailed information on all the issues raised in the complaint;*
- (b) *deferred to its 328th Session (November 2016) the decision to consider the appointment of a Commission of Inquiry.*

(GB.326/INS/9(Rev.), paragraph 6.)

Tenth item on the agenda

Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) (GB.326/INS/10)

162. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, while it had not been possible to reach a formal agreement with the Government of Myanmar as it would not take office until the following week, discussions had been ongoing between the ILO Liaison Officer and the National League for Democracy (NLD). The party Chairperson, Aung San Suu Kyi, had expressed her strong wish for the incoming Government and the ILO to work together closely on the development of a full strategy to address Myanmar's employment and labour market challenges. She had reconfirmed the importance of continuing the fight against forced labour, including through the complaints mechanism under the Supplementary Understanding and the review and strengthening of the Memorandum of Understanding and the associated action plans. An agreement on issues relating to forced labour and a framework for future ILO engagement with Myanmar was expected to be reached with the incoming Government within weeks, and the Office would report back to the Governing Body in November 2016.
163. *A Government representative of Myanmar* said that a new political culture of resolving issues through dialogue and negotiation had emerged in Myanmar since 2011 to forge peaceful national reconciliation. A national ceasefire agreement had been signed, with a view to resolving armed conflict through political means and establishing a federal and democratic union through political dialogue. Following a landmark general election, the next Government was being formed in a peaceful, inclusive and orderly transition. Considerable progress had been made on the action plans under the Joint Strategy for the elimination of forced labour in Myanmar. Remaining work could be conducted under the ongoing Decent Work Programme. He would welcome the establishment of an ILO country office in Myanmar for further cooperation. He supported the draft decision.
164. *The Worker spokesperson* said that numerous provisions of the Action Plan for the Elimination of Forced Labour in Myanmar by 2015 remained wholly or substantially unaddressed. The military continued to exact forced labour, and there had been no end to complaints concerning forced labour in connection with land acquisition and confiscation. Prosecutions for forced labour had essentially ceased, and those who were prosecuted generally only received administrative punishments. Upon taking office, the NLD should prioritize eradicating forced labour as quickly as possible. The Workers' group supported the continued operation of the Supplementary Understanding, and the Memorandum of Understanding and its associated Action Plan, and strongly urged the new Government to learn from its predecessor's errors. Trade unions must be fully integrated in the execution of the Action Plan. The idea of a new framework for future engagement with Myanmar was welcome. He urged the ILO to continue and to strengthen its work on freedom of association in Myanmar and not to mainstream it in other projects, and to that end proposed inserting "and the promotion of freedom of association" in paragraph (a) of the draft decision.
165. Further reforms to the labour laws and the building of mature industrial relations must be prioritized. The new Government should work with representative trade unions to amend the Labour Organizations Act and the Labour Disputes Settlement Act, and the ILO should help the Government to identify priority reforms. Furthermore, the ILO must ensure that multinational enterprises investing in Myanmar were undertaking human rights due diligence. It should also convene discussions between the Government and companies and

workers in key industries to guarantee the development of decent work and to establish sectoral collective agreements. He supported the draft decision, with his group's proposed amendment.

- 166.** *The Employer spokesperson* noted that there were still parts of the country and sectors where forced labour remained a reality, and welcomed the news that the NLD intended to continue the implementation of the Memorandum of Understanding and the Supplementary Understanding. Agreeing that it was time for the ILO to change its approach, he supported the proposed presentation of a broader framework for future engagement, as well as a review of priorities with a view to the development of a more comprehensive strategy for ILO action in Myanmar.
- 167.** *Speaking on behalf of ASPAG*, a Government representative of India welcomed the progress made by the current Government of Myanmar and encouraged the next Government to maintain efforts to eliminate forced labour. He supported the original draft decision.
- 168.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that Serbia, Norway, Republic of Moldova and Georgia aligned themselves with the statement. He welcomed the NLD's commitment to continue the implementation of the Memorandum of Understanding and the Supplementary Understanding. He supported the review of priorities in the ILO programme agreement with a view to the development of a new, comprehensive strategy which could form the basis of a Decent Work Country Programme. Consultations with the members of the national dialogue forum and the national and international communities would contribute substantially to the process. He supported the draft decision and could endorse the proposed amendment.
- 169.** *A Government representative of the United States* welcomed the Government's commitment to continue work to eliminate forced labour. She urged the Government to prosecute perpetrators of forced labour under the Ward and Village Tract Administration Amendment Law of 2012, and to promptly resolve the detention of Captain Chit Ko, who had been imprisoned for seeking information from the ILO. She supported the development of a framework for future ILO engagement that promoted inclusive economic growth, including through the promotion of freedom of association and collective bargaining, and decent work. She endorsed the draft decision, with the proposed amendment.
- 170.** *A Government representative of Japan* said that Japan had been providing employment-related support to Myanmar and planned to provide technical cooperation in collaboration with partners, including the ILO Office in Yangon, in order to expedite the improvement of the country's labour situation. He supported the original draft decision.
- 171.** *A Government representative of China* expressed the hope that the Government and the ILO would extend their cooperation to include employment promotion and social security, and that the ILO would consider establishing a country office in Myanmar.
- 172.** *A Government representative of India* said that a comprehensive approach focusing on the creation of decent employment opportunities, rural development and poverty reduction was the most effective way to eliminate forced labour. She supported the original draft decision, to allow the Government more time to develop a comprehensive framework, including on the elimination of forced labour.
- 173.** *A Government representative of Thailand* welcomed the socio-economic developments in Myanmar, especially the steps taken to eliminate forced labour, and urged the international community to continue to support the country. He encouraged Myanmar to continue its engagement with the ILO. He supported the original draft decision.

174. *A representative of the Director-General (Deputy Director-General, Management and Reform) clarified that the wording of the draft decision was identical to that of the November 2015 decision. Strong promotion of freedom of association and collective bargaining would implicitly be integral to any framework of ILO action.*
175. *The Worker spokesperson emphasized that, as a fundamental ILO standard and a prerequisite for social dialogue and peaceful economic growth, freedom of association should be explicitly referred to in the draft decision.*
176. *The Employer spokesperson, a Government representative of Ghana and a Government representative of Mexico supported the proposed amendment.*
177. *A Government representative of Sudan asked the Government representative of Myanmar whether the amendment was consistent with national policy.*
178. *The Government representative of Myanmar said that the Government had been very actively promoting freedom of association. As the focus of the document was on the elimination of forced labour, he supported the original draft decision, but accepted the proposed amendment in the interest of consensus.*

Decision

179. *The Governing Body noted the situation as concerns the transition of power in Myanmar following the general elections of November 2015 and requested the Director-General to:*
- (a) present a framework for future ILO engagement with Myanmar, including the elimination of forced labour and the promotion of freedom of association, to the 328th Session (November 2016) of the Governing Body;*
 - (b) took the necessary action to ensure the continued operation of the Supplementary Understanding and the Memorandum of Understanding and its associated Action Plan in the interim period.*

(GB.326/INS/10, paragraph 14, as amended.)

Eleventh item on the agenda

Results of the independent evaluation of the ILO Action Plan for Gender Equality 2010–15 and outline of the ILO Action Plan 2016–17 (GB.326/INS/11)

180. *The Employer spokesperson noted with concern that many of the targets of the Action Plan for Gender Equality 2010–15 had not been met; indeed, the situation had worsened in some respects. The Office should consider why the Action Plan had incorporated so many different targets and why progress in some areas, including the Organization’s management culture, had been impossible to measure. Any new action plan must be simple, measureable and achievable but also ambitious. Those given accountability for achieving its goals must be held accountable. With regard to the 2016–17 Action Plan, while his group supported the use of the UN System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) indicators and measurement criteria, they did not go far enough. The*

Office needed to understand why things did not change enough and what would be done differently to bring more success. It would be sad if the Governing Body received a report after 2017 that had similar results to those from the previous Action Plan. The ILO's leadership role on policy advice in areas such as maternity protection, equal pay and women's entrepreneurship would eventually be compromised if it proved incapable of internal reform. His group had been involved in ACT/EMP's work in the area of women in business and management, which had led to the successful launch of global and regional reports and high-level conferences held in London, Singapore and Oman. In that regard, his group had welcomed the collaboration with the Gender, Equality and Diversity Branch (GED) and the funding for follow-up activities that had been provided by Norway. The relevant ILO staff members and senior officers should review the experiences of constituents in order to see what might work. His group would appreciate additional information on how the 2016–17 Plan would lay the foundations for future work, especially in the context of the ILO Women at Work Centenary Initiative, and hoped that – like the previous Action Plan – it would be informed by the International Labour Conference 2009 resolution concerning gender equality at the heart of decent work. Gender equality should be mainstreamed into all ILO activities, including sectoral meetings and international conferences, and should influence future research. The ILO Women at Work Centenary Initiative should be forward-looking and delve deeper into certain topics, and the new Action Plan should prepare the ground for that Initiative. The new Action Plan should have a communication strategy, and those with responsibilities under the plan would need to be held to properly account to ensure they did what was demanded of them. Finally it should complement the current and future ILO programme and budgets, with gender being mainstreamed as a cross-cutting issue. His group supported the draft decision.

- 181.** *The Worker spokesperson* drew attention to Table 1 of the report, which showed that the targets under several indicators had not been fully achieved. Her group was concerned at the lack of progress since 2010 on gender parity and the increase in male staff at the P4 and P5 levels. It regretted the absence of results under indicator 7 on responsible chiefs perceived by reporting staff as creating an environment that valued diversity including sensitivity to gender, which was a priority and key; priority should be given to ensuring that managers at headquarters and in the field addressed gender equality issues. It would be useful to know why the target for indicator 8, on initiatives taken to strengthen or enforce the conflict prevention and resolution collective agreement, had not been met and what would be done. It was urgent to remedy the situation of gender equality in technical cooperation projects, which the evaluators had assessed as “alarming”. With regard to indicator 4, all staff should have access to training. It was regrettable that the target under indicator 11 had not been met since gender audits had a proven record in addressing gender equality. Her group welcomed the signing of a collective agreement on maternity protection under indicator 5. It requested the Office provide additional information on action taken at the beginning of the current biennium to ensure that gender equality and non-discrimination – which was one of the cross-cutting policy drivers – were promoted and applied under all policy outcomes and in the ILO Women at Work Centenary Initiative. It was also unfortunate that the report made no mention of inter-sectionality and there was very little on the inclusion of race, orientation and ability. She appealed to the members of her group to increase the proportion of women delegates at ILO conferences and meetings. She supported the alignment of the Action Plan 2016–17 with the UN-SWAP targets, and noted the Chief Executives Board's deadline of 2017 for realizing all UN-SWAP requirements; retention of the most relevant indicators and measurement criteria of the previous Plan; and the establishment of a specific senior-level mechanism to ensure the accountability and demonstrated leadership of senior management, which she described as important. Her group supported raising awareness of the Action Plan and its relevance among all staff, developing one-page briefs on how gender equality and non-discrimination drove each of the ten policy outcomes under the current programme and budget. Her group supported the draft decision.

- 182.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that, while recognizing the efforts made, the evaluation provided a sobering assessment of the significant shortcomings of the implementation of the 2010–15 Action Plan. Those included areas of improvement ranging from accountability to staff awareness to gender sensitivity in technical cooperation. Positive developments included good practices concerning evaluation processes linked with indicator 18. ASPAG had taken note of the Director-General’s work as a Geneva Gender Equality Champion and encouraged other ILO managers to take similarly visible steps and to ensure that measures for gender equality received appropriate attention and resources. It hoped that the 2016–17 Action Plan would address the problems identified in the evaluation by incorporating the UN-SWAP targets while ensuring relevance to the ILO’s circumstances and needs by retaining the most relevant aspects of the previous plan; it should be short, simple and accompanied by a communications strategy to promote the plan to all staff. The evaluation should be viewed as a catalyst for improvement, particularly as the ILO worked towards the Women at Work Centenary Initiative and implementation of the SDGs. ASPAG supported the draft decision.
- 183.** *Speaking on behalf of IMEC*, a Government representative of Canada noted that the evaluation had found that the previous Action Plan’s design had aligned fully with the ILO Strategic Policy Framework. However, the Office should make a greater effort to close the gender gap at the top levels of the Organization, improve the work environment for women and measure results in order to lead by example. IMEC shared the evaluators’ alarm at the fact that 73 per cent of technical cooperation projects and programmes had missing or weak gender components. He noted the evaluation’s suggestion that increasingly-condensed reporting might have led to under-reporting of the Organization’s achievements in gender-related policy areas where it played a leading global role. He highlighted weaknesses identified by the evaluation in management arrangements and called the current situation, where follow-up and monitoring was essentially left to the Gender, Equality and Diversity Branch, as neither effective nor sustainable. IMEC agreed that ILO management could play an important catalytic role. Concerning the Action Plan 2016–17, it welcomed the increased focus on accountability, reporting and visibility and stressed the importance of allowing the evaluation’s conclusions and recommendations to feed into the new Action Plan, as well as into implementation of the current programme and budget and, crucially, the preparation of the next strategic framework and future programme and budget proposals. IMEC supported the draft decision.
- 184.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that his group appreciated the efforts in preparing the important paper before the Governing Body, and the objectives of the evaluation, which were to provide guidance for internal management learning and decision-making. The Africa group appreciated that the evaluation had found the previous Action Plan to be aligned with the Strategic Policy Framework, and the ILO gender equality policy. It was also found to be linked to the 2009 ILC resolution concerning gender equality at the heart of decent work, as well as to the programme and budget outcome statements on gender equality and non-discrimination. When speaking of gender-related programmatic outcomes, the Africa group supported the assessment of the ILO’s global leadership in the areas of maternity protection, equal pay and gender wage gaps, domestic workers, and women in business and management, and hoped much work would continue to be done in those areas. It suggested that the UN-SWAP indicators and measurement criteria could be used as the core performance indicators of the ILO Action Plan 2016–17. It stated that implementation of the ILO gender equality policy required the unfailing commitment and participation and contribution of each staff member, and it placed responsibility and accountability for success on programme managers, senior managers at headquarters, and regional directors. The Africa group supported the draft decision.
- 185.** *A Government representative of Mexico* said that the results of the Action Plan should be examined at a future meeting in order to revise and update the guidelines for future efforts,

particularly in areas where the targets had not been met. National and international cooperation frameworks were needed in order to achieve women's economic empowerment and eliminate gaps in the areas of labour relations and gender equity. His Government undertook to promote international conferences, policies and strategies in that regard. His Government supported the draft decision.

- 186.** *A Government representative of India* stressed that gender equality was an essential prerequisite to inclusive sustainable development. The ILO should continue its role in pursuing that objective and encourage the international community to promote and realize gender equality in the world of work. However, the ILO was more than the Office, and the tripartite partners must be brought on board concerning the issue of gender equality. While national governments were responsible for achieving the gender balance in tripartite delegations to the International Labour Conference, they had a very limited role in the social partners' selection of delegates. For that reason India suggested that the ILO come up with specific instructions and mandatory guidelines for the constitution of tripartite delegations, which would also promote capacity building and gender balance for the three constituents at the national level. Gender equality should be incorporated at the initial formulation stage of DWCPs and development cooperation programmes. The Organization should increase the number of women at its regional and subregional offices, particularly in senior positions, and recruit gender equality policy experts. The Programme and Budget for 2016–17 contained no specific outcome on gender equality and non-discrimination; that issue should be evaluated for all thematic areas and policy outcomes. Her Government supported the draft decision.
- 187.** *A representative of the Director-General* (Chief, Gender, Equality and Diversity Branch (GED)) assured the speakers that their comments and guidance would be taken into account in finalizing the new Action Plan. She said that the reasons for the lack of progress in certain areas was reflected in the full evaluation report, and had already been discussed with the Office's directors and gender focal points. The Human Resources Development Department (HRD) had put in place a new tool that provided data under indicator 7, which was being collated and the results would soon be disseminated. The issues of ownership and accountability would be handled differently under the Action Plan 2016–17. The departments, rather than GED, would be responsible for monitoring their own progress, and each responsible department (or "business owner" under the UN-SWAP) was determining which indicators and targets they considered realistic; they were genuinely committed to overcoming the problems identified in the evaluation. Regarding the implementation of the cross-cutting policy driver on gender equality and non-discrimination, a marker had now been required for all country programme outcomes to assess the extent to which gender and non-discrimination had been incorporated. The new Action Plan would go beyond the UN-SWAP and include ILO-specific indicators. The importance of the ILO Women at Work Centenary Initiative as a vehicle for visibility and advancing key substantive issues was also highlighted in the evaluation, and would be reflected in the Action Plan, as well as the relevant resolutions of the International Labour Conference.
- 188.** *The Director-General* agreed that the results of the evaluation were sobering and that while there had been some progress in some cases, there were far too many with little or no progress. He also agreed that the evaluation results must be used as a catalyst for action and improvement. The most obvious and important reason for urgent action was that that was the right thing to do and that it should be done as a matter of principle. If not, he agreed there was a danger that ILO leadership in policy areas it was promoting could be compromised, as well as its credibility, including the moving forward of the Women at Work Centenary Initiative; that could not be accepted or tolerated. He stressed the importance of simplicity in the Action Plan 2016–17 design, as well as measurability and accountability – the latter of which he noted many speakers had mentioned. He stated that accountability needed to be established across the Organization for the pursuit of the goals that had been set. He agreed

that a communication strategy was an integral part of the Action Plan, and that the secretariat could learn about what constituents were doing and what worked. Finally, he stressed that accountability was the bottom line and that it ultimately rested with him. Everything would be done to record a better scorecard the next time the Action Plan came back to the Governing Body.

Decision

189. The Governing Body:

- (a) requested the Director-General to finalize and implement the ILO Action Plan for Gender Equality 2016–17, in the light of the recommendations of the evaluation of the ILO Action Plan for Gender Equality 2010–15 contained in document GB.326/INS/11, and taking into account its guidance;*
- (b) decided to examine the implementation results of the ILO Action Plan for Gender Equality 2016–17 at a future session of the Governing Body, and to provide guidance on the orientation of future action plans;*
- (c) requested the Director-General to take into consideration its guidance in pursuing the ILO’s mandate to promote gender equality in the implementation of the Programme and Budget for 2016–17, in preparing the next strategic framework and future programme and budget proposals, and in facilitating extra-budgetary resources.*

(GB.326/INS/11, paragraph 32.)

Twelfth item on the agenda

Reports of the Committee on Freedom of Association

377th Report of the Committee on Freedom of Association (GB.326/INS/12)

- 190.** *The Chairperson of the Committee on Freedom of Association* said that there were 175 pending cases, 17 of which had been examined on their merits. In Cases Nos 2723 (Fiji), 3018 (Pakistan) and 3119 (Philippines), the Committee had observed that it had still not received complete observations from the respective governments, who were asked to transmit their observations as a matter of urgency. In Case No. 3104 (Algeria), the Committee had been obliged to examine the case without the benefit of the information that could have been provided by the Government. The Committee had not been able to meet with the Government of Somalia, whom it had invited to come before it in March 2016 in light of the seriousness of the matters raised in Case No. 3113. It urged the Government of Somalia to take immediate steps to give full effect to its recommendation of November 2015 and expected that the Government would come before it at its meeting in May–June 2016 with detailed information in that regard. The delegations of Algeria and Bahrain had met with the Chairperson of the Committee, who trusted there would be fuller engagement on their part in the future.
- 191.** The Committee had examined eight cases in which the governments had kept it informed on the measures taken to give effect to its recommendations. The Committee noted with satisfaction the progress made in Cases Nos 2700 (Guatemala), 2533 (Peru) and 2976 (Turkey). The complaints in Cases Nos 3048 (Panama) and 2868 (Panama) had been withdrawn following an agreement reached in a national dispute settlement body. The Committee drew the Governing Body's attention to the serious and urgent nature of Cases Nos 2882 (Bahrain) and 2923 (El Salvador). In the case concerning Bahrain, the Committee noted with deep concern the allegation that the health of the President of the Bahraini Teachers Association had deteriorated and that the prison officers were preventing him from receiving the necessary medication. Recalling that he had been detained since 2011, it had requested the Government to ensure his immediate release should it be found that he had been detained for the exercise of legitimate trade union activities. In the case concerning El Salvador, the Committee deeply deplored and condemned the murder of a trade union leader. The Government of El Salvador was urged to provide information on the criminal proceedings initiated and to take all possible steps to identify the perpetrators of the murder.
- 192.** Regarding the Committee's working methods, the Committee continued to review its procedures, visibility and impact. It had agreed to implement some measures which would improve its functioning. It had decided to set up a subcommittee on a trial basis that would meet in Geneva prior to the Committee's triannual meetings with a view to making proposals to the Committee for final decision. The Committee further considered that the handling of complaints and the internal working methods of the Office needed to be modernized. The Committee considered that it was essential to update the *Digest of decisions and principles of the Freedom of Association Committee*. The *Digest* would be updated and published in hard copy, while further developments would be reflected in an e-Digest. Those measures would have financial implications not accounted for in the programme and budget; the cost estimates were set out in document GB.326/INS/12(Add.), which the Governing Body was invited to review and approve.

- 193.** *The Employer Vice-Chairperson of the Committee* said that the number of cases before the Committee had increased to 175, another 137 cases were awaiting follow-up examination. The Committee had examined 17 cases on their merits and four active cases had been closed (Cases Nos 3118 (Australia), 3053 (Chile), 2620 (Republic of Korea) and 3136 (El Salvador)). Six follow-up cases had also been closed. In view of the recent agreement between the Government of Panama and the social actors, Cases Nos 3048 (Panama) and 2868 (Panama) had also been closed. Significant progress had been made regarding the Committee's working methods as set out in paragraphs 16–26 of its report, including the creation of the tripartite subcommittee, which would improve the functioning of the Committee, and the decision to update the *Digest* and create an electronic version that would always be up to date. The appointment of a Government coordinator to the subcommittee would strengthen tripartism. The increased use of hearings of governments had started to yield positive results. It was hoped that further progress would be made regarding the relevance of cases that were handled by the Committee. Many cases could be resolved by national bodies, through labour inspections or the country's legal system where there was a clear separation of powers. Serious or urgent cases needed to be brought to the Committee more rapidly for recommendations to be timely and effective. The geographical balance of complaints was important. The Employers supported the use of committees for the settlement of disputes before the ILO, which had been operating in some countries in the Latin American region. Based on the positive experience, a greater presence of ILO regional offices was suggested. Topics still under discussion were the mandate of the Committee on Freedom of Association, the possibility for members of the Committee to electronically access cases and other relevant information, the preparation of the Committee's conclusions and recommendations, the possibility of the Vice-Chairpersons having an assistant at meetings without breaching confidentiality and the adoption of rules clarifying confidentiality issues.
- 194.** In Case No. 3113 (Somalia), the Government had been invited to come before the Committee but it had not been able to attend. The Director-General was therefore requested to ask the Government to take urgent measures to ensure respect for freedom of association. The Committee was awaiting responses and timely solutions regarding Cases Nos 2882 (Bahrain) and 2923 (El Salvador). A positive principle had been established in Case No. 3118 (Australia), namely that a fair and reasonable compromise should be sought between the need for financial sustainability and the need to preserve as far as possible the autonomy of the bargaining parties, and that, so far as possible, governments should seek general consensus regarding labour, social and economic policies adopted in the context of economic restraint, given that social partners should be able to share in the responsibility of securing the well-being and prosperity of the community as a whole. Regarding Case No. 3107 (Canada), the issue of essential services depended on the national context, and it was not always possible to apply a blanket rule. In Case No. 3140 (Montenegro), the Committee was called upon to assess the dilemma that could arise where the principle of freedom of association could be confronted with the situation where a company in bankruptcy proceedings would cease to exist. Fewer cases on the agenda made it possible to discuss the substantive issues in more depth.
- 195.** *The Worker Vice-Chairperson of the Committee* supported the adoption of the 377th Report of the Committee on Freedom of Association. The Governing Body's attention was drawn to Cases Nos 2882 (Bahrain) and 2923 (El Salvador), which were serious and urgent. Case No. 2882 (Bahrain) concerned grave allegations of widespread arrest, torture, dismissals, intimidation and harassment of trade union members and leaders. The Government of Bahrain was urged to promote and guarantee the freedom of expression. Case No. 2923 (El Salvador) concerned the murder of the General Secretary of the Union of Municipal Workers of Santa Ana. Although his murder had taken place in January 2010, the authorities had not identified the perpetrators. The Government was urged to initiate criminal proceedings without delay. The Government of Somalia had been invited to come before the Committee

in light of the seriousness of the matters raised in Case No. 3113 (paragraph 5); however, it had shown a lack of cooperation. Continued interference and harassment, including the attempted assassination of the Secretary-General of the Federation of Somali Trade Unions and the National Union of Somali Journalists, were a deep concern. The Government of Somalia was urged to give effect to the Committee's recommendations.

- 196.** He supported the proposed new working methods that were aimed at improving the functioning of the Committee, including setting up a subcommittee on a trial basis. It was important to update the *Digest* in hard copy and for further developments to be reflected in an electronic version. As those measures had financial implications, he supported the draft decision in document GB.326/INS/12(Add.). All members of the Committee had agreed to continue discussing the Committee's working methods. In order to be successful as a Committee, building trust and confidence was essential.
- 197.** In Case No. 3107 (Canada), the Toronto Transit Commission, a public transportation agency, was declared to be an essential service. The Committee had to recall that it was not an essential service in the strict sense of the term. It was the Government's responsibility to open fair bargaining with unions to examine when the requirement of a minimum service in the event of a strike could be justified. In Case No. 2620 (Republic of Korea), the Government had refused to register the Migrants' Trade Union (MTU) and had carried out a targeted crackdown on the MTU. However, the Government had indicated that, on 25 June 2015, the Supreme Court had ruled in favour of the MTU's registration. The ruling should be given full effect in practice, to ensure and safeguard the freedom of association and collective bargaining of all migrant workers. In Case No. 3100 (India), the West Bengal Civic Police Association, the complainant, whose members were civic police volunteers but carried out activities that constituted work, should enjoy adequate protection against all acts of anti-union discrimination. The Indian Government was urged to conduct investigations into the allegations. In Case No. 2949 (Swaziland), two trade unionists of the Swaziland National Association of Teachers had been arrested and charged with obstruction for participating in a protest. The Government of Swaziland must ensure that workers could exercise their trade union rights, including the right to engage in protest action and peaceful demonstration. In Case No. 3128 (Zimbabwe), two new trade unions had not been allowed to register and protests had been banned by the police. National legislation should be in line with the principles of freedom of association, and the police and security forces should follow a code of conduct in line with universal human and trade union rights. Cases Nos 3048 (Panama) and 2868 (Panama) had been closed with ILO technical cooperation. Case No. 2533 (Peru) had also been closed.
- 198.** *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Argentina, Dominican Republic, Japan, Kenya, Romania and Spain, the Government member from Spain said that modernizing the Committee would benefit future Committees and increase transparency, governance and effective tripartism. It was important to set out the agreements that had been reached in that regard and the shortcomings that were still to be resolved, so that a comprehensive list would be available for discussion and approval before the end of the Committee's mandate. The update of the *Digest* would be a useful tool for constituents, facilitating access to information about past decisions and recommendations. Regarding logistics, the Office was commended for ensuring that interpreters were available to Government members; it was important that Government coordinators could participate on an equal footing with the Worker and Employer spokespersons. Broad discussions, less narrowly focused on draft complaints, and access to the complete case file for all members of the Committee were important. The creation of a subcommittee that would meet prior to the Committee was an important step in the right direction. Serious and urgent cases should be taken up without delay; cases that were not serious or urgent could be dealt with through national mechanisms or, in some cases, committees for the settlement of disputes before the ILO. However their use should

not detract from the possibility of having recourse to the Committee. Technical cooperation played an important role in the ILO's supervisory system; regional offices acted as links and optimized the results of the bodies that made up the ILO's supervisory system. The agreed and pending changes required resources; the Governing Body was urged to reallocate resources from within the Office to bolster the International Labour Standards Department's human and material resources. The Governing Body was urged to adopt the Committee's Report and the draft decision set out in paragraph 6 of document GB.326/INS/12(Add.).

- 199.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said that more than half the cases before the Committee were from the Latin America and Caribbean region, raising questions as to the cause of the geographic imbalance and how it could be rectified. The imbalance testified to the region's commitment to protecting the rights of workers and employers. However, there was concern that it appeared to reflect a possible failure to promote and apply those fundamental rights in the region. The governments of the region were committed to safeguarding the principle of freedom of association and worked tirelessly to guarantee workers' and employers' organizations the full exercise of their rights. Moreover, the region boasted one of the highest rates of ratification of ILO core Conventions. The Office needed to step up its efforts to promote the ratification of those instruments and to garner greater commitment to ensuring the full exercise of fundamental rights at work, thereby strengthening the ILO's supervisory system. The criteria used by the Committee to determine the admissibility of the complaints brought before it had a bearing on the transparency and objectivity with which it conducted its work. Indeed, the quality of its work could suffer on account of an excessively heavy caseload, which only underscored the need to adopt clear and objective admissibility criteria and to take steps to reconcile the right of the social partners to lodge complaints, on the one hand, with the need to streamline the Committee's working methods, on the other. To that end, the Committee should provide complainants with guidance that the information accompanying complaints should be comprehensive and up to date. In that connection, the Committee should also draw on the region's good practices relating to conflict resolution within tripartite bodies. Indeed, greater recourse to tripartite social dialogue mechanisms by the Committee would lead to improvements in its functioning.
- 200.** The group also urged the Committee to address the inconsistencies in the classification of cases and their status, as there was still uncertainty over the deadlines by which governments had to report before cases were considered closed, and on whether a case considered "closed" could be reopened if the Committee received new information. The group welcomed the Committee's efforts to improve its working methods and its intention to revise the *Digest*. The group noted with interest the decision to set up a subcommittee comprising the Chairperson, the two Vice-Chairpersons and the Government coordinator, and looked forward to the review of its functioning and impact that would be presented to the Governing Body in 2017. However, the Office should provide more information on its functions, the nature of its recommendations and the duration of the tenure of its members. Similarly, while the group welcomed the preparation by the Office of a study of the case management system, it would appreciate more information on that subject. The group supported the draft decision relating to the financial implications of the proposed reforms contained in paragraph 6 of document GB.326/INS/12(Add.).
- 201.** *A Government representative of Panama* said that strengthening the application of ILO core Conventions was indeed a priority in the region of Latin America and the Caribbean. Panama was committed to strengthening the ILO's supervisory system and invited the Governing Body to take note of the forums for dialogue and complaint resolution set up in the national territory on the initiative of the Office's International Labour Standards Department in 2012. Panama also wished to thank the Office for the technical assistance that it had provided through the workshop and tripartite meetings held in February 2016. It should be noted that two cases brought before the Committee had been closed as a result of special sessions of

tripartite meetings involving ILO representatives held during that period. She supported the draft decision contained in document GB.326/INS/12(Add.).

Decision

202. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–69, and adopted the recommendations made in paragraphs: 118 (Case No. 3104: Algeria); 125 (Case No. 2987: Argentina); 185 (Case No. 3118: Australia); 199 (Case No. 2882: Bahrain); 214 (Case No. 3064: Cambodia); 244 (Case No. 3107: Canada); 270 (Case No. 3017: Chile); 288 (Case No. 3053: Chile); 298 (Case No. 2620: Republic of Korea); 313 (Case No. 2923: El Salvador); 328 (Case No. 3136: El Salvador); 347 (Case No. 3094: Guatemala); 381 (Case No. 3100: India); 396 (Case No. 3140: Montenegro); 418 (Case No. 2889: Pakistan); 441 (Case No. 2949: Swaziland); 476 (Case No. 3128: Zimbabwe); and adopted the 377th Report of its Committee on Freedom of Association as a whole.*

(GB.326/INS/12.)

Financial implications (GB.326/INS/12(Add.))

203. *Speaking on behalf of IMEC, a Government representative of Spain said that the group welcomed the reforms aimed at improving the Committee's working methods. The group looked forward to the review of the functioning and impact of the new subcommittee and supported the revision of the *Digest*. The group endorsed the draft decision.*

Decision

204. *The Governing Body approved the proposals for reform made by the Committee on Freedom of Association in document GB.326/INS/12(Add.) and further decided that the cost of the reform, which was estimated at a total of US\$99,850, be financed in the first instance from savings that might arise under Part I of the budget or, failing that, through the use of the provision for unforeseen expenditure, Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.326/INS/12(Add.), paragraph 6.)

Thirteenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.326/INS/13)

205. *The Employer spokesperson expressed support for the draft decision.*

206. *The Worker spokesperson* said that, as his group had expressed concern with regard to the proposed closing of the International Labour Conference on the Friday of the second week he was surprised to see a reference to “wide” support for that proposal in paragraph 3 of the report. His group was still worried that closing the Conference on Friday would place the CAS under time pressure, which might prove detrimental to its important work, in particular as the World of Work Summit would coincide with the closing session of the CAS. His group could agree to closing the Conference on Friday, 10 June 2016 only on a trial basis and could therefore support the draft decision only on that condition.
207. *Speaking on behalf of IMEC*, a Government representative of Canada, referring to the fourth indented subparagraph in paragraph 10, said that there had been no agreement in the Working Group on closing the speakers’ list. Indeed, all governments had been opposed to that suggestion. With reference to paragraph 11, he noted that there been no consensus on pursuing the idea of setting up CAS subcommittees, which would present challenges in terms of costs and of having enough delegates to cover subcommittee meetings. Subject to the amendment of paragraphs 10 and 11 to take account of those points, his group would be in favour of the draft decision.
208. *Speaking on behalf of GRULAC*, a Government representative of Mexico concurred with the representative of IMEC in respect of paragraph 11. With that reservation, he supported the draft decision.
209. *Speaking on behalf of the Africa group*, a Government representative of Kenya emphasized the importance of timely agreement on the list of cases to be considered by the CAS. A preliminary list should be available no less than 30 days before the opening of the Conference and the final list should be agreed by the Worker and Employer spokespersons on the Friday before the opening of the Conference. Her group was in favour of extending interpretation services at regional group meetings.
210. *The Chairperson* proposed that the word “wide” in paragraph 3, as well as the fourth indented subparagraph in paragraph 10 and the final sentence in paragraph 11 of the report, should be deleted.

Decision

211. *The Governing Body:*

- (a) decided to propose to the Conference that it implement the proposed arrangements contained in document GB.326/WP/GBC/1(Rev.) for the International Labour Conference in June 2016;*
- (b) requested the Office to prepare for the 328th Session (November 2016) of the Governing Body an analysis of the session of the International Labour Conference in June 2016, which would allow the Governing Body to draw lessons from that experience and take the appropriate decisions as regards the arrangements for future sessions of the International Labour Conference;*
- (c) requested the Office to undertake a comprehensive review of the Standing Orders of the Conference with a view to submitting to the 328th Session (November 2016) draft amendments to the Standing Orders to the International Labour Conference;*
- (d) requested the Office to prepare for the 328th Session (November 2016) a background document on the conduct of the Regional Conferences (or*

Meetings) to enable the Working Party to commence its review of the functioning and role of the Regional Meetings, as agreed by the Governing Body in June 2011.

(GB.326/INS/13, paragraph 18.)

Fourteenth item on the agenda

Report of the Working Party on the Social Dimension of Globalization

(GB.326/INS/14(Rev.) and GB.326/INS/14/Add.(Rev.))

212. *The Chairperson* introduced the report and its addendum which contained a proposal for a tripartite technical meeting on the integration of refugees and other forcibly displaced persons in the labour market. She explained that a full summary record of the meeting held on Monday, 21 March 2016, would be published on the ILO website.

213. *The Worker and the Employer spokespersons* said that they approved the draft decision.

214. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that the growing refugee crisis was assuming alarming proportions and was having traumatic effects on refugees and forcibly displaced persons, especially women, children, the elderly, the sick and the vulnerable. The massive influx of refugees and displaced persons was having severe repercussions on receiving countries' labour markets, especially in Africa. His group therefore called on the ILO to work closely with other stakeholders to help resettle refugees and displaced persons in Africa and to provide training and employment support for them. It further called on the ILO to support entrepreneurship and establish education schemes for refugees. His group appreciated the role played by the ILO in helping to stem the flow of refugees and its active participation in forums on the refugee crisis and urged it to continue its role in facilitating peacebuilding, reconciliation and conflict resolution. It also called on the ILO to undertake more activities in post-conflict situations. The ILO should take the leading role in matters related to labour market impacts and the promotion of decent work.

215. He proposed that paragraph 7 of document GB.326/INS/14(Add.) should be amended to read:

“The Director-General proposes the following agenda for the meeting:

- Prepare guidance with regard to the design of guiding principles for policy measures concerning the contribution of the ILO to address the issue of refugees and other forcibly displaced persons. This guidance would be based on an analysis by the Office of related principles contained in international labour standards and universal human rights instruments, as well as good practices implemented in the field. It would also be based on international cooperation and mechanisms of sharing the burden of host countries and host communities, including through expedited pathways for admission in third countries and facilitating sustainable voluntary repatriation and reintegration.
- Recommend ways to disseminate and give practical effect to such ILO guidance, including to inform national and multilateral responses and forums.”

He further proposed that paragraph 10 should be amended to read:

“The Governing Body approves the above agenda, composition and arrangements for a tripartite technical meeting about addressing the issue of refugees and other forcibly displaced persons which transpired at the 326th Session of the Governing Body.”

- 216.** *Speaking on behalf of IMEC*, a Government representative of Canada said that he regretted that the proposal to hold a tripartite technical meeting on the integration of refugees and other forcibly displaced persons had been circulated only shortly before the meeting. However, given the topicality of the issue, his group supported the draft decision.
- 217.** *Speaking on behalf of ASPAG*, a Government representative of India asked how the tripartite meeting would be funded.
- 218.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said that his group supported the original version of the draft decision.
- 219.** *A Government representative of Jordan* said that his delegation wished its statement on the issue to be reflected in the report. The issue raised in paragraph 13 was exceptionally important for his Government. Policies not drawn up in close agreement with the countries directly affected had a low chance of success. Employment of refugees should not be at the expense of the national labour force; any solution found should not create bigger problems for the national authorities. He disagreed with the change introduced to the title of the addendum to the report, which shifted the focus from “addressing the labour market impacts of refugees” to “the integration of refugees”. When the subject had first been placed on the table, his Government had asked whether a decision would be taken on the discussions and the answer had been negative. While his delegation had no problem with the ILO formulating a clear policy on its role in the matter, there are red lines that must be carefully observed to avoid creating further problems.
- 220.** *A Government representative of India* agreed that the title of the report should be maintained in the addendum, and added that paragraph 7 of the addendum should take into account the 1951 Convention relating to the Status of Refugees.
- 221.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) , in reply to the representative of India, said that there were mechanisms to obtain funding for decisions made at the Governing Body that had not been anticipated in the programme and budget, as well as regular monitoring. Paragraph 8 detailed the costs of the proposed meeting and paragraph 9 indicated that those could be met by postponing, not cancelling, a previously approved meeting. He reassured the Jordanian delegation that the document under discussion was merely a brief oral report by the Chairperson, and that a full report of all interventions would be included in the minutes.
- 222.** *A representative of the Director-General* (Director, Conditions of Work and Equality Department (WORKQUALITY)) said that the term “integration” had been used in the title of the proposed meeting since, during the discussions, delegates had highlighted the importance of obtaining guiding principles on how to integrate refugees and forcibly displaced people while remaining mindful of the interests and needs of the host population. The concerns expressed by the Jordanian representative were taken fully into account.
- 223.** *The Chairperson*, in response to the representative of Jordan, suggested adding the words “The employment of refugees should not be at the expense of the local labour force” to document GB.326/INS/14, after the second sentence of paragraph 13.
- 224.** *A Government representative of Jordan* said that that addition was acceptable in principle, once the proper terminology was agreed. However, the issue of the changed title of the addendum was more important. While he respected the explanation provided by the Office,

the change reflected a departure from the ILO's role, which was to address the labour market impact of refugees and other forcibly displaced people.

- 225.** *The Chairperson* said that a new sentence could be agreed and inserted into paragraph 13 and invited the Governing Body to respond to the proposed amendments.
- 226.** *The Worker spokesperson* said that changing the title was not a simple task and therefore the draft decision in the addendum should be maintained.
- 227.** *The Employer spokesperson* concurred that the draft decision should not be amended.
- 228.** *A Government representative of the United States* said that he supported the draft decision in the addendum. While he took the point made by the Africa group, it broadened the area of discussion to areas beyond the ILO's purview. The focus should remain on the labour aspects identified in the original draft decision.
- 229.** *A Government representative of France* expressed support for the proposal in the addendum, as it addressed both the labour market impact and integration.
- 230.** *A Government representative of Germany* agreed that the draft decision should remain as it stood. The agenda of the technical meeting should concentrate on action that the ILO could take on the issue, and guidance from the Organization was needed.
- 231.** *A Government representative of Jordan* said that, although it was indeed difficult to change the title of the addendum, it had already been changed without apparent reason and could be changed back.
- 232.** *The Worker spokesperson* said he wished to clarify that, while guidance could be provided on labour market integration, labour market impacts involved statistics and figures. In that context, he was satisfied with the current title.
- 233.** *The Director-General* said that the added value and contributions from the ILO should focus on labour market impacts and remain strictly within its mandate. The proposal should thus remain the same. The purpose of the proposed meeting was to develop principles of action for the ILO, not simply to reconsider the impact of the situation on the world of work. That had been the reason why the word "integration" had been used. The purpose of the proposed meeting was to assist governments and member States in finding the right pathways of access for refugees and displaced persons to labour markets, not to fully integrate all people in their territory into labour markets or to push countries beyond what was realistic or proper to expect of them.
- 234.** *A Government representative of Ghana* said that the word "integration" needed to be further qualified in the decision point in order to allay the fears of countries with distressed labour markets.
- 235.** *A Government representative of Sudan* supported the statement of Ghana on behalf of the Africa group and the remarks of Jordan, which complied with the ILO's mandate.
- 236.** *A Government representative of India* said that the 1951 Refugee Convention and its additional protocols identified burden-sharing as the most important principle in addressing the impacts of refugees. It might be more useful to refer to burden-sharing than to integration, which placed the responsibility on host governments. The word "addressing", used in the title of the Chairperson's oral report, was broad enough to encompass all kinds of solutions, including integration and the provision of guidance.

237. *A Government representative of Jordan* proposed adding the words “while safeguarding the interests of the national labour force” to the end of the draft decision.
238. *The Chairperson* proposed amending the draft decision to read “The Governing Body approves the above agenda, composition and arrangements for a tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market”. Furthermore, she proposed amending the heading of the addendum to read “Proposal for a tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market” and, accordingly, replacing the word “integration” with the word “access” in paragraph 7.
239. *The Government representatives of India, Ghana, Jordan and Sudan* expressed their support for the proposed amendments.

Decision

240. *The Governing Body approved the holding of a tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market, as well as its composition, agenda and financial and other arrangements as set out in document GB.326/INS/14/Add.(Rev.).*

(GB.326/INS/14/Add.(Rev.), paragraph 10, as amended.)

Fifteenth item on the agenda

Report of the Director-General (GB.326/INS/15(Rev.2))

Part I. Obituaries

Decision

241. *The Governing Body invited the Director-General to convey its condolences to the Government of the Russian Federation and to the family of Mr Yuriy Lyublin; to the Chairperson of the Histadrut and to the family of Mr Yousef Kara; to the Associated Labor Union of the Philippines, to the Trade Union Congress of the Philippines and to the family of Mr Democrito Mendoza.*

(GB.326/INS/15(Rev.2), paragraphs 4, 8 and 13.)

Parts II, III, IV and V of the Report

Decision

242. *The Governing Body took note of the information presented in document GB.326/INS/15(Rev.2) concerning the membership of the Organization; progress in international labour legislation; internal administration; and publications and documents.*

(GB.326/INS/15(Rev.2), paragraphs 14–35.)

First Supplementary Report: Appointment of the Director of the International Training Centre of the ILO, Turin (GB.326/INS/15/1)

Decision

243. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Yanguo Liu Director of the International Training Centre of the ILO, Turin, at the Assistant Director-General level. Mr Liu made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.326/INS/15/1, paragraph 4.)

Second Supplementary Report: Appointment of a Regional Director (GB.326/INS/15/2)

Decision

244. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Ms Ruba Jaradat Director of the Regional Office for the Arab States, at the Assistant Director-General level. Ms Jaradat made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.326/INS/15/2, paragraph 4.)

Third Supplementary Report: International Decade for People of African Descent (2015–24) (GB.326/INS/15/3)

245. *The Employer spokesperson said that the ILO could contribute to the International Decade for People of African Descent by combating discrimination, particularly through the promotion of the Discrimination (Employment and Occupation) Convention, 1958*

(No. 111). It should also work with the tripartite constituents to address inequality of access to education and vocational training, endemic unemployment, over-representation in low-skilled and informal jobs, and low representation in top management and in leadership positions in workers' and employers' organizations. To address structural discrimination, States were invited to repeal any laws and policies which might be discriminatory, and combat discrimination and marginalization in labour market policies and institutions. He expressed support for the proposed ILO action concerning strengthening dialogue, promoting fundamental principles and rights at work, collecting reliable data, building capacity, promoting the transition from the informal to the formal economy and supporting the rural economy. It should also promote entrepreneurship and SMEs, and should seek strategic alliances with other UN agencies.

246. *The Worker spokesperson* said that the Durban Programme of Action constituted a solid basis for the development of practical measures to combat racism against people of African descent in the world of work. Her group would have appreciated further proposals on ILO action to tackle the institutional impediments to racial equality in the labour market, especially to address each of the obstacles it mentioned in paragraph 3 of the Office document. Impact assessments of affirmative action measures would be useful. Synergies should be forged with the constituents in the context of the Decent Work Country Programmes to develop time-bound measures that would have a real impact. The ILO should promote the right to free, public and quality education for all to achieve equal opportunities and empower disadvantaged communities. Social dialogue should be initiated between businesses and international trade unions to promote the participation of people of African descent in the workforce and decision-making bodies; the MNE Declaration could be a useful reference. The ILO should also prioritize strengthening trade unions' capacity to bargain collectively to improve access to vocational training and eliminate labour segregation. The Organization should engage with development banks and similar institutions to ensure that they involved local communities in choosing economic development plans to best meet their needs and that they prioritized employment creation and decent work for disadvantaged communities. As part of its international alliances, the ILO should advocate for specific measures at all levels to attain the objectives of the Programme of Action. It could also publish a biennial statistical report on changes in the labour market concerning persons of African descent, which could be linked to the SDGs and used throughout the UN system. Specific and urgent action was also required from ILO member States to achieve progress. Her group supported the draft decision.
247. *Speaking on behalf of the Africa group*, a Government representative of Kenya urged all stakeholders to take measures to implement the Programme of Action. She called upon United Nations agencies to act against the historical injustices, in line with their mandates and budgets, and within the framework of the African Union's Agenda 2063. Technical support was necessary for data collection to inform policy-making for people of African descent. Marginalization and exclusion of people of African descent were deeply rooted in societies, including labour market institutions and policies. She urged the ILO to continue to promote full and productive employment and decent work to address discrimination, including the multiple discrimination faced by women in particular, and overcoming stereotypes. Action under outcome 8 of the ILO programme and budget, on protecting workers from unacceptable forms of work, should specifically address the situation of people of African descent, as should the cross-cutting policy work on gender equality and non-discrimination. The ILO could also contribute to the programme of activities through its Decent Work Country Programmes. Furthermore, international partnerships and multi-stakeholder discussions were vital for the achievement of the objectives of the Programme of Action. As recognized in the Declaration of the Global African Diaspora Summit in Johannesburg, South Africa in 2012, sustainable partnerships between Africa and the African diaspora were needed, and South-South cooperation should form a framework for development and pan-African solidarity. Her group supported the draft decision.

- 248.** *Speaking on behalf of GRULAC*, a Government representative of Mexico noted that international and regional policies for people of African descent should be implemented to ensure full legal equality and eliminate material impediments to inclusion in the world of work. He welcomed the ILO's focus on data collection to gain a clearer picture of the scale of racial discrimination in the labour market and, in turn, to eliminate stereotypes, empower young people and strengthen social dialogue. His group welcomed the proposed ILO action outlined in the document, especially capacity building on equality and ethnic diversity. It was also important to study in depth how people of African descent could best be protected in the workplace with a view to attaining decent work for all, in line with SDG 8. The Regional Meeting for Latin America and the Caribbean on the International Decade, held in Brasilia in December 2015, had supported UN efforts and indicated new approaches in that regard. His group supported the draft decision.
- 249.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Turkey, Serbia and Georgia. He said that all EU Member States had ratified Convention No. 111, and called on any ILO Members who had not done so to ratify. EU legislation specifically targeted discrimination on the grounds of racial or ethnic origin and established a general framework for equal treatment in employment. More targeted measures had also been taken to promote diversity and non-discrimination in the workplace, through financial support to NGOs and Member States, awareness-raising projects and specific publications. It was also supporting voluntary company initiatives, such as diversity charters. His group fully supported the programme of activities. Implementation of the wide range of ILO standards on equality and non-discrimination would contribute significantly to the International Decade. The Office should pay particular attention to the gender dimension in its activities. He supported the draft decision.
- 250.** *A Government representative of Brazil* reiterated her country's commitment to the International Decade, and noted that Brazil had tabled a 2015 resolution of the UN Human Rights Council on the incompatibility between democracy and racism. The Regional Meeting for Latin America and the Caribbean on the International Decade in Brasilia had resulted in the adoption of a declaration reaffirming the commitment of the States to fully implement the Durban Declaration and Programme of Action and promote human rights of people of African descent, including through affirmative action. Racism was treated as a crime in Brazil, and progress was being made through public policies and affirmative action programmes. Nevertheless, the phenomenon was difficult to eradicate. Focusing on boys' and girls' education was essential to current and long-term goals. Racial discrimination was a significant obstacle to the attainment of the SDGs, and her country stood ready to work with the ILO on effective policies to promote equal opportunity and social inclusion of people of African descent around the world. Brazil supported the draft decision.
- 251.** *A Government representative of Trinidad and Tobago* recommended that the many success stories of people of African descent and their positive contributions to the labour market should be taken into account in the development of the programme for ILO action and the promotion of best practices. A modern approach to sustainable development and inclusion must focus on the implementation of multidimensional and multipronged strategies to emphasize the positive, not just the problems.
- 252.** *A Government representative of Cuba* expressed his support for the actions being developed by the ILO under the Durban Declaration and Programme of Action, and for the Action Plan adopted by the Community of Latin American and Caribbean States at its third summit in 2015. His country was immensely proud of its African heritage. He supported the draft decision.

Decision

253. *The Governing Body recalled the importance of promoting equality of opportunities as well as eliminating all forms of discrimination, as enshrined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in particular with respect to people of African descent, and requested that the Office, within its available resources, implement activities aligned with the steps to be taken by the international community and international and regional organizations to attain the objectives of the International Decade throughout this and the forthcoming programme and budget periods.*

(GB.326/INS/15/3, paragraph 23.)

Fourth Supplementary Report: Documents submitted for information only
(GB.326/INS/15/4)

254. *The Employer spokesperson* asked whether, in view of its importance, the report of the CEACR should be discussed, rather than merely noted, by the Governing Body in the future.
255. *The Worker spokesperson* agreed that the question should be considered at a later date, bearing in mind that the report was discussed at the Conference.

Outcome

256. *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.326/INS/15/4.*

(GB.326/INS/15/4, paragraph 4.)

Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by the Government of Chile of the 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.326/INS/15/5)

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

Decision

257. *In light of the conclusions concerning the issues raised in the representation contained in the report in document GB.326/INS/15/5, the Governing Body:*

- (a) *approved the report;*

(b) invited the Government to provide the Committee of Experts on the Application of Conventions and Recommendations with information on the issues addressed in the report and in the Committee's conclusions so that the Committee of Experts could examine that information at its 87th Session (November–December 2016);

(c) made the report publicly available and closed the representation procedure.

(GB.326/INS/15/5, paragraph 203.)

Sixth Supplementary Report: Report of the Committee set up to examine the 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 College of Teachers of Chile AG

(GB.326/INS/15/6)

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

Decision

258. In the light of the conclusions contained in the report in document GB.326/INS/15/6, the Governing Body:

(a) approved the report;

(b) requested the Government, in the light of paragraphs 50, 55, 59, 64 and 67 of the report, to take the necessary steps to ensure the full application of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187));

(c) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the matters raised in the report with respect to the application of Convention No. 187;

(d) made the report publicly available and closed the procedure initiated by the representation made by the College of Teachers of Chile AG alleging non-observance by Chile of Convention No. 187.

(GB.326/INS/15/6, paragraph 68.)

Seventh Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by the United Arab Emirates of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation (ITUC)
(GB.326/INS/15/7)

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

Decision

259. *In light of the conclusions set out in paragraphs 34–55 of the report contained in document GB.326/INS/15/7 concerning the issues raised in the representation, the Governing Body:*

- (a) approved the report;*
- (b) welcomed the recent measures taken by the Government as a significant step towards the protection of migrant workers and encouraged the Government to continue to take proactive action in this regard;*
- (c) requested the Government, in order to ensure that migrant workers enjoyed the protection provided for in the Convention, to take into account the action requested in paragraphs 37, 39, 40, 41, 46, 47, 48, 49, 53 and 54 of the report;*
- (d) invited the Government to communicate information in the report it would submit by virtue of article 22 of the ILO Constitution on the measures taken to give effect to the recommendations of the Committee;*
- (e) invited the Government to continue to avail itself to any technical assistance of the International Labour Office on this matter;*
- (f) made the report publicly available and closed the procedure initiated by the representation.*

(GB.326/INS/15/7, paragraph 56.)

Eighth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by France of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Federation of Salaried Employees and Managerial Staff of the General Confederation of Labour–Force Ouvrière (GB.326/INS/15/8)

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

Decision

260. *In the light of the conclusions contained in paragraphs 42–60 in the report contained in document GB.326/INS/15/8, the Governing Body:*

- (a) approved the report;*
- (b) requested the Government to take account of the observations made in paragraphs 47, 48, 51, 54, 55 and 60 of the report;*
- (c) requested the Government to submit a report to the Committee of Experts on the Application of Conventions and Recommendations for examination within the regular reporting cycle;*
- (d) published the report and declared the representation procedure closed.*

(GB.326/INS/15/8, paragraph 61.)

Sixteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Action to be taken regarding the appointment of the Director-General (GB.326/INS/16/1)

261. *The Employer spokesperson and the Worker spokesperson supported the draft decision.*

Decision

262. *On the recommendation of its Officers, the Governing Body adopted the following timetable for the appointment of the Director-General:*

- *326th Session of the Governing Body (March 2016): The Governing Body to approve the election timetable.*
- *18 April 2016: The Chairperson of the Governing Body to call for candidatures.*
- *15 July 2016: Last date for the reception of candidatures.*
- *328th Session of the Governing Body (October–November 2016):*
 - *31 October 2016: The Governing Body to conduct candidate(s) hearings*
 - *7 November 2016: The Governing Body to conduct the ballot for the election of the Director-General.*
- *1 October 2017: New term of office of the Director-General to commence.*

(GB.326/INS/16/1, paragraph 7.)

Second report: Arrangements for the 10th European Regional Meeting

(GB.326/INS/16/2)

263. *The Employer spokesperson and the Worker spokesperson supported the draft decision.*

Decision

264. *The Governing Body, on the recommendation of its Officers, approved the proposed agenda and the arrangements for the 10th European Regional Meeting, as described in document GB.326/INS/16/2.*

(GB.326/INS/16/2, paragraph 8.)

Third report: Representation alleging non-observance by Colombia of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Confederation of Workers of Colombia (CTC)

(GB.326/INS/16/3)

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

Decision

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

(GB.326/INS/16/3, paragraph 5.)

Fourth report: Representation alleging non-observance by Colombia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the General Confederation of Labour (CGT)
(GB.326/INS/16/4)

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

Decision

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

(GB.326/INS/16/4, paragraph 5.)

Fifth report: Representation alleging non-observance by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and Spain of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made under article 24 of the ILO Constitution by Solidarity, Independence, Democracy
(GB.326/INS/16/5)

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

Decision

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

(GB.326/INS/16/5, paragraph 5.)

Sixth report: Representation alleging non-observance by Thailand of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation (ITUC) and the International Transport Workers' Federation (ITF)
(GB.326/INS/16/6)

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

Decision

268. *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.326/INS/16/6, paragraph 5.)

Seventh report: Representation alleging non-observance by Croatia of the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), made under article 24 of the ILO Constitution by the Association of Trade Unions of Pensioners of Serbia (USPS)
(GB.326/INS/16/7)

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

Decision

269. *In the light of the information presented in the report contained in document GB.326/INS/16/7, 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.326/INS/16/7, paragraph 9.)

Seventeenth item on the agenda

Composition and agenda of standing bodies and meetings (GB.326/INS/17)

Decisions

Meeting of Experts to Adopt Policy Guidelines for the Promotion of Sustainable Rural Livelihoods Targeting the Agro-food Sectors (Geneva, 26–30 September 2016)

Invitation of international non-governmental organizations

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

- *Sustainable Trade Initiative (IDH);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF);*
- *Oxfam;*
- *World Banana Forum (WBF).*

(GB.326/INS/17, paragraph 4.)

Meeting of Experts on Violence against Women and Men in the World of Work (Geneva, 3–6 October 2016)

Agenda

271. The Governing Body, on the recommendation of its Officers, approved the following agenda for the Meeting of Experts:

- *review existing understandings of what is considered to be violence in the world of work, related trends, forms and incidence;*
- *examine the gender dimensions of violence in the world of work;*
- *review the impact of violence in the world of work on workers and enterprises, including on workers' well-being and productivity, and firms' performance;*
- *identify groups of workers, enterprises, sectors and occupations more at risk of being subjected to violence;*
- *review responses to prevent and address violence in the world of work in national and international laws and regulations, collective agreements and enterprise policies; and*

- *provide, on the basis of the above, guidance for the standard-setting item on violence against women and men in the world of work that has been placed on the agenda of the International Labour Conference in June 2018. Guidance could include identifying forms of violence warranting priority consideration and responses thereto.*

(GB.326/INS/17, paragraph 8.)

Invitation of international non-governmental organizations

272. The Governing Body, on the recommendation of its Officers, 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);*
- *Education International (EI);*
- *European Agency for Safety and Health at Work (EUOSHA);*
- *International Federation of Journalists (IFJ);*
- *IndustriALL Global Union;*
- *International Transport Workers' Federation (ITF);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF);*
- *Promundo;*
- *Public Services International (PSI);*
- *Women in Informal Employment: Globalizing and Organizing (WIEGO);*
- *Union Network International (UNI).*

(GB.326/INS/17, paragraph 11.)

Global Dialogue Forum on the Challenges and Opportunities
of Teleworking for Workers and Employers in the ICTs
and Financial Services Sectors
(Geneva, 24–26 October 2016)

Invitation of international non-governmental organizations

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

- *International Confederation of Private Employment Agencies (CIETT);*
- *UNI Global Union (UNI).*

(GB.326/INS/17, paragraph 15.)

Meeting of Experts to Adopt a Revised Code of Practice
on Safety and Health in Ports
(Geneva, 21–30 November 2016)

Invitation of international non-governmental organizations

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

- *Federation of European Private Port Operators (FEPORT);*
- *International Cargo Handling Coordination Association (ICHCA)*
- *ISP Technical Panel;*
- *International Association of Ports and Harbors (IAPH);*
- *International Transport Workers' Federation (ITF);*
- *International Shipping Federation (ISF);*
- *World Shipping Council (WSC).*

(GB.326/INS/17, paragraph 19.)

16th Asia–Pacific Regional Meeting
(Bali, Indonesia, 6–9 December 2016)

Invitation of international non-governmental organizations

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

- *Arab Trade Union Confederation (ATUC);*
- *ASEAN Confederation of Employers (ACE);*
- *ASEAN Trade Unions Council;*
- *Building and Wood Workers' International (BWI);*
- *Confederation of Asia–Pacific Employers (CAPE);*
- *Disabled Peoples' International (DPI);*
- *Education International (EI);*
- *General Confederation of Trade Unions (GCTU);*

- *General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries (GUCCIAAC);*
- *IndustriALL Global Union;*
- *International Federation of Journalists (IFJ);*
- *Institution of Occupational Safety and Health (IOSH);*
- *International Council of Nurses (ICN);*
- *International Social Security Association (ISSA);*
- *International Transport Workers' Federation (ITF);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF);*
- *International Young Christian Workers (IYCW);*
- *Inter-Parliamentary Union (IPU);*
- *Public Services International (PSI);*
- *South Asian Regional Trade Union Council (SARTUC);*
- *South Pacific and Oceanic Council of Trade Unions (SPOCTU);*
- *Trade Union Advisory Committee to the Organisation for Economic Co-operation and Development (TUAC–OECD);*
- *UNI Global Union (UNI).*

(GB.326/INS/17, paragraph 24.)

- 276.** *Speaking on behalf of the Africa group*, a Government representative of Sudan welcomed the invitation of the listed organizations to attend the International Labour Conference and Meetings of Experts as observers, taking into account the need to ensure the relevance of their mandates to the respective agendas.
- 277.** *Speaking on behalf of GRULAC*, a Government representative of Mexico requested that the United Nations Economic Commission for Latin America (ECLAC) should be invited as an observer to the 105th Session of the International Labour Conference, as matters of great relevance to the region would be discussed.
- 278.** *The Worker spokesperson* said that his group could support the request although due procedure within the Governing Body had not been followed, and he requested organizations to follow the correct procedure in the future.
- 279.** *The Employer spokesperson* concurred with the Worker spokesperson.
- 280.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said that the procedural requirements had been duly noted and thanked the social partners for their flexibility in extending the invitation to the International Labour Conference to ECLAC.

Other business

- 281.** *The Chairperson and members of the Governing Body* offered their heartfelt sympathy and solidarity to the people and Government of Belgium, following the terrorist attacks in Brussels in the morning of 22 March 2016.
- 282.** *The Worker spokesperson* said that he wished to draw the attention of the Governing Body to the suspicious disappearance and death of Mr Giulio Regeni, a 28-year-old Italian PhD student, who had apparently been tortured. He had been researching social development in Cairo, focusing on freedom of expression, freedom of association, workers' rights and working conditions in the country. National and international media had pointed to the Egyptian security forces as the perpetrators in that and other similar cases. He called on the Government of Egypt to immediately open an independent inquiry to identify and prosecute the perpetrators and masterminds of the crime. He expressed his group's condolences to Mr Regeni's family, colleagues, friends and to the Italian people.
- 283.** Furthermore, it had been reported that the Egyptian Ministry of Labour had systematically attacked independent trade union organizations. In its Review No. 6 of 2016, the Civil Status Authority had prohibited the recognition of independent trade union organizations in the country's official organs, preventing trade unions from producing or publishing any official documents bearing their seal. It had also prohibited trade unions from bargaining and exposed their leaders to the risk of unfair dismissal, arrest and imprisonment. The decision was in blatant violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and violated article 76 of the 2014 Egyptian Constitution. He requested the Director-General to remind the Government of Egypt of the obligations it had accepted by ratifying the aforementioned Conventions, to urge the Government to repeal the decision to ban independent organizations, and to encourage it to create conditions conducive to inclusive social dialogue involving all social partners.
- 284.** *A Government representative of Italy* joined the Workers' group in paying tribute to the memory of Mr Regeni, and in calling for a full investigation of the case to bring the perpetrators to justice.
- 285.** *Speaking on behalf of Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Lithuania, Netherlands, Poland, Spain and Sweden*, a Government representative of Germany expressed his deepest sympathies to Mr Regeni's family and called for a full investigation into the case.