



Governing Body

331st Session, Geneva, 26 October–9 November 2017

GB.331/PV

Minutes of the 331st Session of the Governing Body of the International Labour Office

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The 331st Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 26 October to Thursday, 9 November 2017, presided over by Mr Luc Cortebееck of Belgium as Chairperson.

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

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Institutional Section

1. The Institutional Section met on Monday, 30 October, Thursday, 2 November and Friday, 3 November, and from Monday, 6 November to Thursday, 9 November 2017. The Chairperson of the Governing Body, Mr L. Cortebееck (Worker, Belgium), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr M. Mdwaba (South Africa), was the Employer spokesperson for the Section, except in respect of item 3, “Follow-up to the resolution on Advancing Social Justice through Decent Work: Framework for recurrent discussions” and item 4/3, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning the second recurrent discussion on fundamental principles and rights at work”, where Ms R. Hornung-Draus was spokesperson; item 4/1, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning fair and effective labour migration governance”, where Mr S. Barklamb was spokesperson; item 4/2, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning employment and decent work for peace and resilience”, where Mr F. Ahmed was spokesperson; item 6, “Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015): Progress report on the implementation of the action plan”, where Mr C.H. Kyriazis was spokesperson; item 9, “Partnership and Policy Coherence Strategy”, where Mr A. Yuma was spokesperson; item 10, “Review of the implementation of ILO–ISO agreements”, where Mr B. Matthey was spokesperson; item 15, “Reports of the Committee on Freedom of Association”, where Mr A. Echavarría was spokesperson; and item 16, “Report of the Board of the International Training Centre of the ILO, Turin”, where Mr R. Dubey was spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of item 4/2, where Mr M. Guiró was spokesperson; item 4/3, where Mr K. Ross was spokesperson; item 6, where Mr P. Dimitrov was spokesperson; and item 10, where Ms S. Cappuccio was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 331st Session:

Policy Development Section

Employment and Social Protection Segment

(Wednesday, 1 November 2017)

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

Employer spokespersons:

Item 1, Outcome 2: Ratification and application of international labour standards:
Mr E. Potter

Item 2, Outcome 8: Protecting workers from unacceptable forms of work:
Ms V. Giulietti

Worker spokesperson: Mr P. Dimitrov

Social Dialogue Segment

(Tuesday, 31 October and Wednesday, 1 November 2017)

Chairperson: Mr A.H. Adewo (Ethiopia)

Employer spokespersons:

Item 3, Sectoral meetings held in 2017 and proposals for 2018: Mr P. Woolford

Item 4, Outcome 7: Promoting workplace compliance through labour inspection:
Mr E. Potter

Worker spokesperson: Mr B. Thibault

Development Cooperation Segment

(Wednesday, 1 and Wednesday, 8 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokesperson: Ms J. Mugo

Worker spokespersons:

Item 5, ILO cooperation with the tobacco industry in the pursuit of the Organization's social mandate: Ms C. Passchier

Item 6, Enhanced programme of development cooperation for the occupied Arab territories: Mr M. Guiro

Legal Issues and International Labour Standards Section

Legal Issues Segment

(Friday, 3 November 2017)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Mr F. Yllanes

Worker spokesperson: Mr J.E. Ohrt

International Labour Standards and Human Rights Segment

(Friday, 3 November 2017)

Chairperson: Mr G. Corres (Argentina)

Employer spokespersons:

Item 2, The Standards Initiative: Report of the third meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 25–29 September 2017):
Mr A. Echavarría

Item 3, Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the Constitution in 2019:
Mr F. Yllanes

Worker spokespersons:

Item 2: Ms C. Passchier

Item 3: Ms A. Brown

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment (Monday, 30 and Tuesday, 31 October 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 1, Update on the headquarters building renovation project; item 3, Programme and Budget proposals for 2016–17: Regular budget and Working Capital Fund; item 5, Information Technology Strategy 2018–21; item 6, Other financial questions: Financial arrangements for the renovation of the ILO Country Office for Brazil: Mr J.M. Lacasa

Item 2, Proposed 2018–19 budgets for extra-budgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR): Mr J. Mailhos

Item 4, Knowledge Strategy 2018–21: Mr S. Barklamb

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment (Tuesday, 31 October 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 7, Independent Oversight Advisory Committee: Revised terms of reference; item 8, Annual evaluation report 2016–17; item 10, Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU; and item 11, Other audit and oversight questions: Mr J.M. Lacasa

Item 9, High-level evaluations of strategies and Decent Work Country Programmes: Mr K. Ghariani

Worker spokesperson: Ms C. Menne

Personnel Segment (Tuesday, 31 October and Wednesday, 1, Tuesday, 7 and Wednesday, 8 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokesperson: Mr P. Woolford

Worker spokesperson: Ms C. Menne

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

(Monday, 6 and Tuesday, 7 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 1, Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO:

Mr H. Munthe

Item 2/1, Improving the functioning of the International Labour Conference: Analysis of the 106th Session (2017) of the Conference; and item 2/2, Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference: Mr M. Mdwaba

Item 3, Review of the role and functioning of the Regional Meetings:

Ms R. Hornung-Draus

Worker spokesperson: Ms C. Passchier

Committee on Freedom of Association

(Thursday, 26 to Saturday, 28 October 2017)

Chairperson: Mr T. Teramoto (Japan), ad interim

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier ¹

Opening remarks by the Director-General

3. *The Director-General* said that the present composition of the Governing Body must guide the ILO up to, during and beyond the Organization's centenary. At this important juncture it was essential that the ILO demonstrated its capacity to deliver real benefits and effectively defend social justice. This Governing Body session had before it a progress report on all seven Centenary Initiatives, as well as a number of documents concerning individual Centenary Initiatives. The Future of Work Initiative, which had been the subject of national dialogues in 110 member States, had moved ahead with the launch in August of the Global Commission on the Future of Work (Global Commission), with the President of Mauritius and the Prime Minister of Sweden as its co-Chairpersons. The Governing Body would also be called on to give advice on the agenda and design of the centenary session of the Conference.
4. Reform had been one of the Director-General's commitments during his first mandate. It would remain so for his second. Many of the papers before the session were linked to this – on Knowledge Strategy; IT Strategy and Human Resources Strategy, for example. Resources were being redeployed to front line services to constituents. The ILO was contributing to United Nations reform. It had aligned its programme and budget to the delivery of the UN 2030 Agenda for Sustainable Development (2030 Agenda). However, the ILO's organic relationship with the UN also brought challenges, of which the future of its cooperation with the tobacco industry was one, and the question of the terms and conditions of employment

¹ Substituting Ms C. Passchier.

within the UN system, as determined by the International Civil Service Commission, was another; both were issues of system coherence.

5. A number of papers of particular significance addressed specific thematic policy items or country situations. Under three of these the Governing Body was called on to provide guidance with regard to follow-up action on the technical outputs from the 106th Session of the Conference: employment and decent work for peace and resilience; fair and effective governance of labour migration; and fundamental principles and rights at work. Guidance was also sought with regard to programme and budget policy outcomes on international labour standards, on unacceptable forms of work and on labour inspection. A number of country-specific cases were also on the agenda, reporting on progress in complaints filed under article 26 of the ILO Constitution. While these cases were necessarily difficult, ILO history showed that a combination of perseverance and principle bore results.

First item on the agenda

Approval of the minutes of the 330th Session of the Governing Body ([GB.331/INS/1](#))

Decision

6. *The Governing Body approved the minutes of its 330th Session, as amended.*

(GB.331/INS/1, paragraph 2.)

Election of new Government Vice-Chairperson of the Governing Body ([GB.331/INS/1/1](#))

Decision

7. *The Governing Body elected His Excellency, Ambassador Claudio Julio de la Puente Ribeyro of Peru, as Government Vice-Chairperson of the Governing Body for the remainder of the current term of office of its Officers until June 2018.*

(GB.331/INS/1/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference ([GB.331/INS/2](#))

Addendum

Proposal for the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31) ([GB.331/INS/2\(Add.\)](#))

8. *The Worker spokesperson* said that her group agreed with the proposal that the main theme of the centenary session of the Conference in 2019 should be the future of work. It would be useful to schedule the second discussion of the standard on violence in the world of work for 2019 because of its linkage with that topic. The group would like to know whether the Director-General intended to submit a Report to that session of the Conference, in addition to the report by the Global Commission, about linkages between the two. She expressed concern as to how the various committees' discussions of specific items would be reconciled into a single outcome in the short time available. It was important that the centenary session attracted high-level tripartite commitment, and that any resulting declaration was ambitious and provided for effective implementation. There should be room in the agenda for other Centenary Initiatives, such as the Women at Work Initiative, where they intersected with the theme of the future of work. The group would also like to see a strong emphasis on standards at the session, for example through formal ratifications or expressions of commitment in plenary. Future consultations on the working methods of the Committee on the Application of Standards (CAS) should consider whether the Committee would have enough time for a session on the future of work or a review of the history and impact of the CAS. The 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) and the tenth anniversary of the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration) would be celebrated at the 2018 session, and the period leading up to that session should be used to reinvigorate the campaign for universal ratification of the core Conventions. Reflection on the future of work necessarily involved discussion of the normative framework, and ratification and implementation of the eight core Conventions would ensure that economic development and social progress went hand in hand.
9. Turning to the agenda of the Conference beyond 2019, she agreed that further discussion was needed to ensure that the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) were adequately prioritized in terms of Conference agenda items; the format of future sessions of the Conference would need to accommodate potential revision of standards. The Workers' group believed that it was still too early to decide on the agenda for 2020 but would like to see an item dealing with a Convention, supported by a Recommendation, on a just transition of the world of work towards environmentally sustainable economies, as well as an item on apprenticeships, as a follow-up to the SRM TWG recommendation. She noted that any decision on a standard-setting item would have to be taken in March 2018. The suggestion that the agenda for 2020 could contain an item on follow-up to the centenary session needed further clarification, especially as the 2019 session of the Conference would adopt an outcome in the form of a declaration, resolution or protocol. The group agreed that the four subjects listed in Appendix 1, section 2, of the document were not yet ripe for inclusion in the Conference agenda. It

supported the proposal to place the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), on the agenda of the 2020 session.

10. *The Employer spokesperson* said that the document reflected a more strategic and coherent approach to the agenda of the Conference, which took better account of Members' needs and priorities, and lessons learned from ILO activities. The focus on the future of work at the centenary session of the Conference in 2019 would greatly help to achieve an impact commensurate with the topic's importance, both within and outside the Organization. The group was concerned that time was too short to identify three sub-items for inclusion in the agenda for 2019, notwithstanding the guidance that would emanate from the Global Commission. It was important that all parties submitted proposals, which should be relevant to current ILO discussions and genuinely related to drivers of the future of work. The Employers' group proposed that the three sub-items should address: employment opportunities brought by new and future realities and trends in business and at work; skills for the future; and governance at work. His group was still not convinced of the added value of a Conference declaration, feeling that it would require intensive preparation and detract from substantive discussion. Alternatives might be to give adequate visibility to the outcomes of the discussions on the future of work, or to use the Standards Initiative as an opportunity to present a more robust, coherent and credible supervisory system. An ambitious and well-focused overall approach would be needed to attract key personalities and heads of State.
11. The remaining slot on the agenda for 2020 should be kept for follow-up to the centenary session. Constituents in the 2019 session of the Conference could identify the most relevant and urgent item for discussion the following year, based on the need to anticipate and answer the new realities of work. The Employers' group would also like to see a future agenda item on workplace corruption, focusing on how employers and workers could add value in effective policies against it. The group continued to see no added value in including a standard-setting discussion on a just transition towards environmentally sustainable economies, and would object to a new agenda item on non-standard forms of employment, as it related closely to the future of work discussion in 2019. He noted the lack of support for an item on individual labour disputes. The proposal for a discussion on inequalities at work also related closely to the 2019 Conference discussions and would be best discussed after their outcome. The fact that the Governing Body had asked the Office in 2016 to develop a proposal for a possible new labour standard on apprenticeships did not mean that the subject should automatically feature on the agenda of the Conference for the purpose of deciding on a new standard. It was also inappropriate to narrow the field of action to a new ILO standard, since wide-ranging initiatives were being taken by employers, the Office and others, in association with the Global Apprenticeship Network, all aimed at establishing a holistic approach to apprenticeships.
12. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran said that the concept of a strategic and coherent approach to the setting of the Conference agenda should be extended beyond the 2019 session. Consideration should still be given to the possibility of holding the second discussion on violence in the world of work at the centenary session of the Conference. While it was preferable to hold a single discussion on standard-setting items, the number of topics for such discussions should be settled at the March 2018 session of the Governing Body. The centenary session of the Conference should result in a formal outcome, in order to give direction to the Organization's future activities. That session should include a celebratory dimension; the Office was requested to present specific proposals on the structure and content of the discussions in that respect. The recommendations of the SRM TWG on practical and time-bound follow-up should also be taken into account.

13. His group welcomed the inclusion of the topic of effective development cooperation in the agenda of the 2018 session. As the Governing Body had adequate time to provide guidance to the Office before the 109th Session of the Conference in 2020, options should be kept open with regard to the remaining slot on the corresponding agenda and the Office should present further reports on the four subjects set out in paragraph 28 of the document. His group supported the procedural roadmap set out in the document and the draft decision.
14. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece recalled that at the 329th Session of the Governing Body, IMEC had expressed agreement to the Office suggestion that, apart from standing items, the agenda of the 108th Session (2019) of the International Labour Conference should be dedicated to the future of work. Discussions on that subject should be linked to the report to be produced by the Global Commission, with three or four days of discussion in plenary, followed by a drafting committee to prepare an outcome document. After an amendment process in a Committee of the Whole, the Conference could then adopt the outcome document in plenary, during the second week. Alternatively, there could be a two-day plenary discussion followed by thematic discussions on key issues, which would each feed into an outcome document. She asked the Office to elaborate on proposed modalities for those discussions.
15. The outcome document should highlight the importance of the ILO's unique mandate in the current world of work. If a centenary declaration was decided, it should provide added value with regard to previous milestone declarations. It should be concise, but cover all points discussed. The Office should provide more detailed information to the Governing Body in March 2018 on the preparatory work to be done, in the form of a roadmap. There was merit in the proposal to include a celebration of the ILO's centenary, because attracting heads of State and other key stakeholders would enhance the impact of the Conference and its outcome. IMEC supported the proposal to highlight the ILO's history, perhaps by holding a session of the CAS linking its work to the Future of Work Initiative, provided that such a session would not overburden the schedule of that Committee. IMEC looked forward to receiving concrete proposals from the Office, and noted that it may still be possible to hold a technical committee during the 108th Session.
16. Turning to the Conference agenda beyond 2019, she reiterated IMEC's commitment to the strategic and coherent approach to agenda setting, taking account of the need for institutional coherence, tripartite engagement and a balance between time for preparation and flexibility. The outcomes of Regional Meetings or technical meetings could also contribute to the agenda-setting process. As no immediate decision had to be taken, the outcome of the centenary session could also be taken into account when setting the agenda beyond 2019. However, she noted the Office's suggestion that a standard-setting item should preferably be decided upon in March 2018, and a general discussion item at the latest in March 2019, and sought further clarification in that regard.
17. Regarding the three possible items for inclusion on the agenda of the 109th Session (2020) of the Conference, IMEC did not find added value in the standard-setting item on the just transition of the world of work towards environmentally sustainable economies and societies for all, as guidelines already existed on sustainable development, decent work and green jobs. In any case, as the review of occupational safety and health (OSH) instruments was ongoing, it was premature to decide on a standard-setting item beyond the 108th Session. Furthermore, she recalled that more time was required to prepare for standard-setting items. The inclusion of two standard-setting items had proven to be very demanding in the past, and such an item on violence and harassment had already been included on the agenda. A general discussion on inequalities and the world of work in 2020 could take stock of progress towards achieving the labour-related Sustainable Development Goals (SDGs) and would build on the Women at Work Initiative, the work of the Global Commission and the outcome

of the centenary session. While IMEC saw merit in a possible standard-setting discussion on apprenticeships, a topical issue identified as a regulatory gap by the SRM TWG, IMEC had generally preferred to have a general discussion in advance of standard setting. Her group would envisage having a discussion on apprenticeships in 2021, with the format of the discussion to be decided at a later stage, but preferably a general discussion in first instance. IMEC found it premature to take any position regarding the remaining four items, maintaining flexibility in light of the outcome of the 2019 discussion. She supported the draft decision contained in paragraph 30 of document GB.331/INS/2 and, referring to the revised draft decision in paragraph 8 of document GB.331/INS/2(Add.), suggested placing an item on the withdrawal of Recommendation No. 31 on the agenda in 2020.

18. *A Government representative of Japan*, recalling that there had been broad support for the motion to dedicate the 108th Session (2019) of the Conference exclusively to the future of work, urged the Office to prepare proposals on how to facilitate the discussion for submission to the Governing Body at its March 2018 session. Noting that no consensus had been reached at the previous session on narrowing down to three the options that could be included on the agenda of the 109th Session (2020), she said that although Japan considered that it was premature to take a decision on the matter, it also considered that inequalities and the world of work would be a good choice, as it was highly relevant to the mandate of the ILO and was a common issue for many member States. Other items, such as individual labour disputes and non-standard forms of employment, could also be considered.
19. *Speaking on behalf of the Africa group*, a Government representative of Chad endorsed the approach proposed by the Office and agreed that the agenda of the centenary session should be based on the Future of Work Initiative, focusing on a plenary discussion on the report of the Global Commission with consideration of specific elements in greater detail in technical committees or similar forums. Given that it was a special event that should lead to a formal outcome, the work of the Conference should end with a centenary declaration, which could guide the Organization in its social justice mandate during its second centenary. A draft of the outcome document should be submitted to the Conference at its 2018 session so that it might benefit from as many member State contributions as possible. The Conference agenda items needed further examination and the agenda of sessions to be held after 2019 should be indicative only and flexible so that new items could be taken into account. In that regard, he referred to the follow-up to the conclusions on decent work in global supply chains, the follow-up to the Future of Work Initiative, the outcome of the discussion on the General Survey concerning the migrant workers instruments, and the preparation of a centenary declaration. He supported the content of Appendices I–III and the draft decision in paragraph 8 of document GB.331/INS/2(Add.).
20. *A Government representative of Canada*, speaking also on behalf of the Government representatives of Australia, Austria, Belgium, Denmark, Finland, Ireland, Israel, New Zealand, Norway, Spain, Sweden and United Kingdom, said that the agenda of the 2019 session of the Conference could include the second discussion of the standard-setting item on violence and harassment against women and men in the world of work (the first discussion was to be held in 2018), as the subject was inextricably linked to, and supportive of, multiple Centenary Initiatives. The discussion would directly contribute to the intended focus of the centenary session on the future of work and offered an unparalleled opportunity to highlight one of the key functions of the ILO, namely the adoption of international labour standards. Adoption of an instrument or instruments in 2019 would constitute a major deliverable outcome of the centenary session and a celebration of the core work of the ILO. Pragmatically speaking, the holding of the first and second discussions in sequential years would maximize the potential for momentum and continuity in the discussions.
21. *A Government representative of Switzerland* spoke in favour of a plenary discussion on the report of the Global Commission, which should lead to a formal outcome document aimed

at guiding the ILO's activities in that area. As a priority before 2019, the Governing Body should determine what form that outcome document should take and prepare a draft. Inter-session consultations should be held for that purpose. Focusing the centenary session on the future of work would emphasize the key role of the ILO in responding to changes in the world of work. The audience and impact of the Conference could be increased by broadening the participation to include youth representatives and other stakeholders. It would be interesting if the CAS included a special session on its history, but not necessarily on the Future of Work Initiative or on its impact, as the Committee had been through difficult times in recent years and was not yet over its hurdles. The discussion on coherence in the supervisory system was still ongoing and should not be interfered with. He supported the proposal that the agenda, apart from the standing items, should focus on the future of work incorporating aspects of the other Centenary Initiatives. He also agreed that the Office should prepare proposals on the structure and substance of discussions, to be considered by the Governing Body at its March 2018 session; those could also address the resources needed for inter-session negotiations on the draft of the outcome document of the 2019 session.

22. *A Government representative of India*, referring to paragraph 25 of document GB.331/INS/2, said that many of the 19 instruments concerning OSH which had been considered, required future action. He was in favour of putting the withdrawal of Recommendation No. 31 on the agenda of the 109th Session of the International Labour Conference. Other subjects of interest such as inequalities and the world of work, apprenticeship, and decent work in the world of sport could be included in a session thereafter. Growing inequalities in various forms and dimensions were a matter of concern for both developed and the developing countries and could affect economic growth, development and labour market outcomes. The topic of inequalities and the world of work should have a gender perspective with a view to promoting women's wage equality and their welfare in labour markets. As apprenticeship training was becoming an important tool for addressing skills mismatches, the discussion should focus on informal apprenticeships, in particular for women. There was ample time to decide on the agenda items of sessions after 2020.
23. *A Government representative of Cuba* supported a plenary discussion of the report of the Global Commission, as suggested in paragraph 15. However that variant implied consideration of specific elements by technical committees which would have to be approved by the Governing Body in light of the seven Centenary Initiatives or those deriving from the topic "the future of work". Her delegation was not opposed to the proposal contained in paragraph 16 as long as it would not entail new obligations for member States to send reports, information or answers to questionnaires, or a new follow-up mechanism in addition to those that already existed on the 1998 Declaration or the Social Justice Declaration.
24. *A Government representative of Brazil* supported the widely held view that the centenary session of the Conference should be entirely devoted to the future of work. The 108th Session should crown an inclusive and substantive consultation process through which governments and social partners would become duly aware of the challenges of the world of work and which was designed to spread the values of the ILO more widely and more effectively. The American Regional Meeting in Panama in 2018 would be an opportunity to deepen the debate and enhance preparations for the centenary session of the Conference. He was confident that the final document would be robust enough to provide guidance for the coming decades and looked forward to the outcome report of the Global Commission. He trusted that the consequences of automation, new employment modalities, the interaction between employment and education, the promotion of gender equality and the struggle against discrimination in the world of work would be given priority. He asked for detailed proposals on the number and topics of Conference committees at the centenary session of the Conference and whether it would be possible to adopt the same structure as that of the centenary conversations, and to envisage the addition of a technical item to the agenda at the

Governing Body's next session. He also wanted the 109th Session to be flexible enough to deal with unforeseen issues. An item on the withdrawal of Recommendation No. 31 would be appropriate. He expected the SRM TWG to continue to give guidance on normative and non-normative activities of the Conference through its recommendations.

25. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the intention in the document had not been to make concrete proposals but to foster a discussion. A consensus was emerging that the 108th Session should focus on the future of work. The general view had been that any other discussion, or any technical committee or other forum should be linked to the future of work in some way. There had also been some support for a second discussion on the standard-setting item and its links to the future of work. The Director-General's decision on whether there would be a Report both of the Director-General and of the Global Commission would depend on the nature of the agenda and of the report from the Global Commission. Similarly, if there were to be a number of different committees operating within the Conference, it was still unclear how the different outcomes would be drawn together into a single conclusion or consolidated outcome, or how the other Centenary Initiatives would be integrated in the discussion. At a later stage, concrete proposals would be presented on using the Conference as an opportunity for the promotion and ratification of the fundamental and other Conventions. The Conference would be used as an opportunity to highlight the ILO's history and impact. The centenary would be celebrated throughout 2019, with the Conference as a centrepiece, accompanied by a variety of activities which would be designed in conjunction with member States. Furthermore, there was a widely held view that if an outcome document, such as a declaration, were to be adopted, it should at least have the stature of those adopted in the past, so as to provide authoritative guidance for the future.
26. Proposals would be based on the inputs to the current discussion and he would circulate some ideas about scenarios for the 108th Session at an early stage for informal consultations. Feedback was also being sought on the agenda for sessions of the Conference beyond 2019, on the three options for the agenda of future sessions that the Office had identified as having the greatest support, and on a possible item associated with the follow-up to the 108th Session. The Office would look at the comments received and assess which of the options should be given priority and submit proposals in March. The Office would also look at the practicality of not taking a decision until after the 2019 session of the Conference.
27. The question of the withdrawal of Recommendation No. 31 would be dealt with in 2020. In March 2018, the Office would present concrete proposals and suggest options and roadmaps on how to move forward in 2019 and the following years.

Decision

28. ***The Governing Body decided to place on the agenda of the 109th Session (2020) of the Conference an item on the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31). It provided guidance in relation to the agenda of the centenary session (2019); and on the setting of the Conference agenda beyond 2019 both as regards the strategic approach and the seven subjects under consideration listed in the appendix to document GB.331/INS/2.***

(GB.331/INS/2(Add.), paragraph 8.)

Third item on the agenda

Follow-up to the resolution on Advancing Social Justice through Decent Work: Framework for recurrent discussions ([GB.331/INS/3](#))

29. *The Employer spokesperson* welcomed the revised framework for recurrent discussions proposed by the Office. She was satisfied with the proposed structure for the recurrent discussion report, which contained an assessment of the work done by the Organization and its Members. If properly implemented, it should foster a better understanding of the impact of action taken to achieve the strategic objectives of the ILO, including what had worked and not worked and what more could have been done to respond to constituents' varying needs. The Evaluation Office's role in providing an accurate analysis of lessons learned would therefore be critical. It was vital to have not only succinct and evidence-based content, but also a few focused points for discussion, which would be conducive to productive debates during the International Labour Conference. Informal consultations did not always need to be tripartite; Employer experience had shown that separate, informal consultations with each of the constituents were also useful. The addendum report should not pre-empt the Conference discussions.
30. While the input of external experts in previous recurrent discussions had been valuable, it should not be the rule, but decided on a case-by-case basis, with the agreement of the constituents. Tripartite information sessions to share national experiences and good practices should also be organized on a case-by-case basis, in light of the relevance of the input.
31. The outcome document should be action-oriented rather than policy-oriented, because recurrent discussions were meant to improve the implementation of existing and agreed policies, based on constituents' needs. Nor was it the role of the recurrent discussion to make proposals concerning the Conference agenda; that was for the Governing Body to decide through existing discussion channels with the tripartite constituents. However, the Employers supported the proposal to include priorities identified in recurrent discussions in the existing and future programmes and budgets.
32. It was true that new modalities were needed to ensure that the General Survey and the discussions of the CAS contributed to the recurrent discussions. However, General Surveys were not the only standards-related input to recurrent discussions. The Standards Review Mechanism, for example, would provide a proper assessment of the relevance of existing standards. In fact, the ILO had a wide range of means at its disposal to achieve the strategic objectives of the Social Justice Declaration. One of those means, international labour standards, must be complemented by technical assistance, advisory services, capacity building, research, information collection and sharing. Input on those different aspects could then be fed into the recurrent discussions. The Employers endorsed the draft decision.
33. *The Worker spokesperson* said that the means of action which the Office could use to respond to the diverse realities and needs of Members included standards-related action to promote the ratification and implementation of existing ILO standards and identify new ones. Paragraph 1(c) should therefore speak not only of adjusting priorities and programmes, but also emphasize that recurrent discussions should specifically address gaps in standards or investigate immediate follow-up action by the Organization.
34. Staff from the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) should participate in the small working group to be established for the preparation of the report on recurrent discussions. The Workers therefore proposed

amending the third sentence of paragraph 5, to read: “For each recurrent discussion, a small working group consisting of staff from relevant portfolios, departments and offices, including from ACTRAV and ACT/EMP, should be established to draft a report to be submitted to the Conference.”

35. While the Workers were in favour of consulting the constituents on the structure and topics of the Office report, they were against the inclusion of a preliminary text or building blocks in the outcome document, as that was something that should be discussed by the Conference Committee. However, early consultations on the points for discussion, the outcome of which could be summarized at the end of the report, would help the constituents to prepare for the discussion.
36. It was vital to include a reference to the objective of high-level exchanges with representatives from relevant regional and international organizations. The role of the latter should be clearly defined and linked to their contribution to the implementation of the Decent Work Agenda. The high-level exchanges should also lead to concrete follow-up by the ILO and the constituents. The Workers supported the draft decision.
37. *Speaking on behalf of the Africa group*, a Government representative of Morocco welcomed the inclusive approach to preparing the revised framework, which would help the constituents to better articulate their needs and proposals with respect to the implementation of the Social Justice Declaration, and enable the ILO to meet constituents’ needs when giving effect to fundamental principles and rights at work. Intensive tripartite consultations on the structure and topics of the outcome document would ensure that it was relevant and reflected constituents’ views and expectations, as well as those expressed in the high-level exchanges with interested parties. His group encouraged the Office to make every effort to advance social justice through decent work and to spur constituents into promoting and implementing the objectives of the Social Justice Declaration. Secondly, it should showcase the impact of Decent Work Country Programmes (DWCPs) on meeting the objectives of the Social Justice Declaration, with particular regard to fundamental labour rights and social dialogue. Thirdly, it must ensure the sustainability of actions. He supported the draft decision, while emphasizing the need to take the group’s comments into account.
38. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Paraguay underlined the importance of adopting appropriate modalities to improve the focus of recurrent discussions and ensure that they were based on current realities and challenges. Broad tripartite consultations should be held on the topics to be included in recurrent discussions between 2018 and 2023, bearing in mind that they included a decision on the theme of the 2019 centenary Conference. It would be wise to continue the successful practice begun at the 105th Session of the International Labour Conference of including interactive debates between high-level delegates from other international or regional organizations and the tripartite constituents. GRULAC supported the draft decision.
39. *Speaking on behalf of IMEC*, a Government representative of Germany was in favour of developing a flexible format for the report on recurrent discussions and continuing informal consultations once the report was published. However, an addendum report should be published only in rare cases if new key issues had emerged. Given time constraints, high-level exchanges should not be the rule, but take place only when they offered added value. The follow-up to the outcome document was of great importance, and IMEC therefore supported the proposal that, at its November session following the International Labour Conference, the Governing Body should discuss how the priorities identified by the Conference could be systematically integrated into existing and future programmes and budgets to ensure effective monitoring of the document. It supported further efforts to ensure that the General Surveys better informed the recurrent discussions. Recalling IMEC’s

position that article 19 requests had become too broad and lengthy, she emphasized that the objective was to streamline reporting and make better use of existing reporting. Therefore, IMEC did not support the proposed broadening of questions in the article 19 questionnaire, which should pertain specifically to the provisions of the Conventions. It supported the draft decision.

40. *A Government representative of India* said that the report should be succinct and evidence-based, highlight recent developments and identify topics of emerging importance. She agreed with paragraph 6 on the structure of the report. The inclusion of best practices would identify real issues and encourage ownership among member States. The Office should consider how best to share that information. It would be advisable to hold early consultations with the constituents on the structure and topics of the report to ensure that it was relevant and reflected the tripartite constituents' views and expectations. Her Government supported the proposed linkages between General Surveys and the recurrent discussions and the synchronization with the General Survey, however the scope of recurrent discussions should not be limited or constrained by the General Survey review. General Surveys could provide a compilation of good practices and of the issues faced by member States with respect to specific international labour standards. The inclusion of interactive and dynamic discussions and high-level tripartite exchanges with key stakeholders should not dilute the tripartite nature of the ILO's decision-making processes. She endorsed the draft decision.
41. *A Government representative of Morocco* noted that the revised framework included many of the elements originally proposed. He welcomed the enhanced alignment between the topics of the General Surveys and recurrent discussions and the decision to maintain synchronization with the General Survey review in the CAS, as well as strengthened intra-Office collaboration when drawing up General Survey questionnaires and providing Members with support. He was in favour of adopting and implementing the revised framework.

Decision

42. *The Governing Body:*

- (a) *adopted the framework for recurrent discussions presented in the appendix of document GB.331/INS/3;*
- (b) *requested the Director-General to apply the framework for the preparation and organization of future recurrent discussions starting from 2018, taking into account the guidance provided by the Governing Body.*

(GB.331/INS/3, paragraph 4.)

Fourth item on the agenda

Matters arising out of the work of the 106th Session (2017) of the International Labour Conference

Follow-up to the resolution concerning fair and effective labour migration governance ([GB.331/INS/4/1\(Rev.\)](#))

43. *The Worker spokesperson*, thanking the Office for its support before and during the 106th Session (2017) of the International Labour Conference, and for the proposed follow-up plan, welcomed the proposals in the document and in particular the identification of ten priority areas and the organization of actions along four broad means of action. In particular, her group welcomed the work on international labour standards (the migration Conventions), fair recruitment, freedom of association for migrant workers and temporary migrations. She welcomed work towards a definition of recruitment fees and related costs – which was lacking from current ILO work on the subject – and the proposal to hold a tripartite meeting of experts on that subject in late 2018. The report on obstacles to freedom of association should address the difficulties faced by migrant workers in that respect, both in law and in practice. The outcomes of the research on temporary labour migration and its impact on working conditions and labour markets should be presented to a tripartite meeting of experts that could be combined with the proposed meeting on the definition of recruitment fees and related costs. An ILO discussion on those outcomes should be held and follow-up action determined. The protection of irregular migrants and the identification of pathways out of irregularity and informality, building on good practice, were priority issues. Migrants in an irregular situation, often due to restrictive and repressive policies, become even more vulnerable to exploitation and this could also result in downward pressures on existing wages and working conditions. She welcomed the initiatives outlined in paragraph 13(a) and called for the ratification and effective application of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
44. The issue of enterprise development and self-employment had not been included in the conclusions of the general discussion on fair and effective labour migration governance, adopted by the Conference at its 106th Session, and should not be in the action plan. She cautioned that the widespread use of fraudulent self-employment had negative consequences, and migrant workers were particularly vulnerable in that respect.
45. Noting the importance of capacity building, she welcomed cooperation with the International Training Centre of the ILO (Turin Centre) in areas such as fair recruitment and social protection for migrant workers; ACTRAV should be involved in the design and delivery of programmes on such subjects. She also welcomed the proposals made in respect of recruitment and the establishment of the Migrant Recruitment Monitor; organizing migrant workers and providing them with reliable information about their rights; and providing assistance for the adoption of bilateral, regional and multilateral migration agreements, including a global training course. Such assistance and training should be based on the ILO migration instruments, in particular the Model Agreement annexed to the Migration for Employment Recommendation (Revised), 1949 (No. 86). Bilateral trade union agreements were important tools for the protection of migrant workers and it was important to focus on the active participation of migrants in trade unions, including as officials. While endorsing the establishment of tripartite platforms to support social dialogue, she asked where the four subregional dialogues would be held, noting that geographical diversity must be taken into

account. Her group backed the initiatives relating to collaboration and partnerships at all levels, and called for the ILO leadership in global migration debates to be stepped up. In all these forums, the ILO should promote the normative framework on migration as well as tripartism. She reiterated her group's call for a labour mechanism to discuss labour migration issues in the GFMD. In that respect, it was important to set a date for a regional meeting on labour migration in the Americas. The plan of work for outcome 9 of the Programme and Budget for 2018–19 should take into account the conclusions adopted by the Conference and the follow-up proposals contained in the Office's document. Her group endorsed the draft decision.

46. *The Employer spokesperson* thanked the Office for its support before and during the discussions at the 106th Session of the Conference, which had led to delivery of conclusions that contained a set of clear and potentially very positive priorities for action on labour migration governance. He noted, however, that although the Office's document translated most of those priorities into actions, the priorities were presented in a fragmented way and in some areas the document departed from what had been agreed on.
47. While welcoming the priority given to skills in the proposed plan of action, he recalled that the Conference conclusions were clear on the importance of assessing skills needs and aligning training to labour market demands. The Office should therefore focus on helping constituents to provide training and skills-acquisition opportunities for migrant jobseekers, including through proper investment. In addition, the capacities of employers' associations to assess, identify and advance employers' skills needs must be enhanced. The Office should also provide active and effective support to constituents on skills development and recognition, as directed in the conclusions, by setting up needs-driven skills programmes. Close collaboration in respect of outcomes 1 and 9 would be beneficial in that regard. Improved skills recognition could make an important contribution towards successful reintegration. Commending a programme-based approach, he said that any existing efforts in that respect should be extended, including to cover migrant workers, coordinated and made more effective. A partnership with the Business Mechanism of the Global Forum on Migration and Development could be of significant use in that regard. He proposed that an additional paragraph 19(c) should be added to the draft decision, to read: "calls upon the Office to deliver a broad programme on skills development for migrant workers, in coordination with its delivery of policy outcomes 1 and 9, and based on the input of social partners."
48. He agreed that there was a need to define recruitment fees and related costs; however, holding a full tripartite meeting of experts seemed to be a costly and potentially disproportionate way of achieving that goal. His group could support the proposal to establish the Migrant Recruitment Monitor, provided that a mechanism was in place to moderate content and check facts before online posting. It did not support, however, the proposal contained in paragraph 14(a) relating to training modules for journalists. He asked how many more countries could be assisted if the financial resources earmarked for such modules were redirected into capacity building for the constituents.
49. Noting with concern that no reference was made in the document to the Private Employment Agencies Convention, 1997 (No. 181), he sought the Office's assurances that the Conventions promoted under paragraph 13(a) included all those referred to in the conclusions. His group welcomed the proposed initiative on irregular labour migration and the proposed compendium of good practices. Mechanisms should be set up to regularize the situation of undocumented economic migrants and provide pathways into formal employment. The proposed review and continuous improvement of implementation of the activities should be driven by social partner inputs and needs.

50. Labour migration should be a key component of the Global Compact for Safe, Regular and Orderly Migration (Global Compact for Migration). The ILO had a mandate to contribute to the development of that compact and should present the priorities set out in the conclusions. The capacity of employers' and workers' organizations to contribute to regional or bilateral dialogues on labour migration must be enhanced. Additional information would be welcome on the expected impact of the Global Compact for Migration on the ILO's priorities and activities relating to labour migration governance. The Governing Body should be given an opportunity at its November 2018 session to review the Global Compact for Migration as adopted and any proposals for new or adjusted Office activities.
51. *Speaking on behalf of the Africa group*, a Government representative of Morocco stressed the importance of respecting the fundamental rights and dignity of migrants through policies for their integration and decent work opportunities. The complexity of labour migration required an integrated approach and close cooperation across migration corridors and regions. The ILO should assist member States in putting in place the necessary policies and standardized data collection systems at the regional and international levels and in strengthening the capacity of constituents to create inter-institutional platforms for dialogue. The implementation of the plan of action should take place in a framework of transparency and respect for fundamental rights and human dignity, in line with international laws and commitments. Reliable data should be produced on recruitment costs and practices. The development of a definition of recruitment fees and related costs was not only essential in order to monitor progress towards the SDGs, but it was timely in view of the global discussions taking place, in which the ILO should be playing a key role. It was important to build capacity in respect of fair recruitment and skills recognition and for constituents to conclude bilateral and multilateral agreements that were fair and effective. His group called on the ILO member States to: ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; recognize the Global Forum on Migration and Development as an intergovernmental, non-binding platform for informal consultation; and strengthen triangular cooperation as a mechanism to strengthen ties between the leading States in the field of migratory governance and promote the role of economic and social partners in migration governance. Furthermore, the ILO should develop recruitment guidelines to assist member States, social partners, labour recruiters and other stakeholders in developing effective labour recruitment policies and achieving SDG 8. Taking into account those comments, the Africa group supported the draft decision.
52. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his region had been a destination for migrants throughout its history, which had enriched it and contributed to its development. The 2030 Agenda underlined that human rights, including fundamental labour rights, applied to all migrants, without distinction. Working on national agendas to regularize the situation of migrants in an irregular situation, especially through skills recognition, could benefit not only the migrants, but also the countries of origin and destination. Skills and enterprise development and self-employment were areas where technical assistance was both useful and necessary, but in order to carry out active employment policies it would be essential to allocate funds to equip training centres and arrange access to microcredit to encourage private self-employment initiatives. Given the ILO's budgetary constraints, he suggested that the ILO could act as a facilitator for the support activities provided by the United Nations Development Programme and international financial institutions. GRULAC supported the draft decision.
53. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Bulgaria supported the rights-based approach and emphasis on the role of fundamental principles and rights at work in the document. However, greater attention needed to be paid to the regional dimension, including the specificities of regional integration areas. She welcomed the various ILO guides outlined under technical assistance and cooperation and said that she would consider the Employers' proposed amendment to

the draft decision. The proposed actions on social protection would contribute to successful outcomes on social protection for migrant workers. The proposed mapping regarding the scope, use and effects of temporary and circular migration would help to improve understanding of the impact of such migration on migrants, national workers, and national labour conditions and markets. Recent EU legislation on seasonal workers and intra-corporate transferees might be of interest in that regard. She requested the Office to describe the criteria and procedures that had been used to select countries or migration corridors in the proposed plan of action. While noting with interest the Office's proposal for a tripartite meeting on recruitment fees and related costs, further explanation was needed on the specific aspects to be discussed at the meeting.

54. *A Government representative of Indonesia* expressed support for the ILO's involvement in developing the Global Compact for Migration, its work under outcome 9, and the proposed plan of action. Fair and effective labour migration governance would ensure the protection of migrant workers' rights, which was a priority in Indonesia. Efforts to promote and protect the rights of migrant workers at all levels should involve countries of origin, transit and destination, taking into account the unique circumstances of each. She supported the initiative to enhance technical assistance for a skills development mechanism and to better match skills supply with labour demand. Recognizing the importance of accurate and integrated data on the placement of migrant workers, she welcomed the plan to expand the database in ILOSTAT on labour migration. She supported the ILO's efforts to enhance cooperation with other stakeholders while strengthening its leadership role in global labour migration and welcomed the proposal to hold a tripartite meeting of experts to discuss recruitment fees and related costs.
55. The cross-cutting nature of the priority areas contained in the proposed plan of action should be better reflected, both in the plan of action and in related collaboration and partnerships, so as to ensure that the issue of labour migration governance was addressed in a more holistic and comprehensive manner. The ILO's partnership with the United Nations Office on Drugs and Crime (UNODC) was important in preventing and detecting irregular labour migration and protecting the rights of irregular migrants. She supported the draft decision.
56. *A Government representative of Nigeria* said that technical assistance would be required to implement the plan of action effectively. Problems relating to refugees and internally displaced persons were becoming harder to manage, including in terms of social protection and freedom of association. Emphasis should be placed on developing migrant cooperatives, and their relationship to local cooperative bodies. Such cooperatives would contribute to the formalization of the economy and social protection for migrants. Existing pilot projects should be expanded. He supported the collaboration and partnerships mentioned in the document. The mobilization of extra-budgetary resources would facilitate the delivery of the proposed plan of action, and additional regular budget allocations would also be required to cover initial capital. Finally, he welcomed innovative efforts to tackle irregular migration, including the development of a compendium of good practices. He supported the draft decision, as amended.
57. *A Government representative of India* expressed support for efforts to develop sound labour migration governance at all levels and in countries of origin, transit and destination. The Office's technical assistance in designing and implementing national laws and policies, developing internationally comparable data collection systems and building capacity would help member States to develop comprehensive approaches to addressing migration issues. The plan of action should be context-specific, gender-sensitive and non-discriminatory. Regional and bilateral frameworks were as important as a comprehensive multilateral framework. India's contribution to migration flows was expected to continue to increase; protecting migrant workers' rights, addressing labour market needs and enhancing the benefits of labour migration were therefore priorities for his Government. Regional efforts

to strengthen bilateral and multilateral social security arrangements were ongoing. Moreover, a better cross-border framework for skills recognition was required.

58. Knowledge generation and dissemination were crucial, particularly in fair recruitment, and that required better and more comparable statistics. National and regional contexts should be taken into account in the composition of the proposed tripartite meeting of experts on the definition of recruitment fees and related costs, and in its discussions. Any conclusions and recommendations should be presented to the Governing Body before being shared with knowledge partners. Fair recruitment frameworks should be strengthened, including through technology transfer, and the Office should support such initiatives. Social partners improved understanding of the effect of labour migration on markets and contributed to the social dimension of labour policies. He therefore supported the actions on capacity building and institutional strengthening for enhanced dialogue. Finally, the plan of action should include an assessment of ratification of migration-related ILO instruments and he asked what actions would be taken in that regard. He supported the draft decision.
59. *A Government representative of Uganda* said that some of the challenges of migration, including the violation of workers' rights and illegal recruiters, were cross-border in nature and therefore called for regional and international policy coordination in migration management. That could be achieved only by compiling the wealth of existing national, regional and international knowledge and experience. He welcomed the focus on knowledge generation and dissemination in the proposed plan of action and shared details of national efforts towards improving fair recruitment, protecting rights of migrant workers, strengthening training and skills development programmes and improving data collection. His Government was ready to share its experiences in migration management with the Office, and requested technical assistance to further strengthen its labour migration governance system.
60. *A Government representative of Mexico* said the proposed plan of action would form the basis for future work, particularly relating to the Global Compact for Migration, which should contain specific commitments to improve international labour migration governance. He asked which 22 member States would receive technical assistance for the development of labour migration laws and policies, and whether actions were planned to promote the ratification of migration instruments. He asked for more information on how the ILO guide *How to facilitate the recognition of skills of migrant workers* would be implemented. He noted the proposed evidence-based intervention model to extend social protection; any analysis of limited coverage should take into account national contexts and laws. He commended the expansion of the database in ILOSTAT on labour migration, which would facilitate the sharing of good practices and the development of effective national and regional policies. Interventions to strengthen social dialogue should build the capacity of all tripartite constituents and not just one group, and he asked what measures the Office would undertake in that regard. He suggested using information technology and other mechanisms to ensure the optimal use of resources. The Turin Centre had a central role to play in strengthening constituents' institutional capacity and promoting social dialogue. The Office should make better use of the resources offered by the Turin Centre. Migrants' return should be better addressed in migration governance, and forums to share and analyse good practices should be provided. He noted plans to mobilize extra-budgetary resources to help implement the plan of action. A regional meeting on labour migration in the Americas, to be held in Mexico, would be rescheduled to 2018. He supported the draft decision.
61. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that GRULAC supported the amendment to the draft decision proposed by the Employer spokesperson. However, in order to strengthen the tripartite nature of the proposal, he requested replacing "social partners" in the last line of paragraph 19(c) by "tripartite constituents" or "social partners and governments".

62. *The Worker spokesperson*, turning to the proposed amendment to the draft decision, said that, while the Workers did not object to considering a programme on skills development, it was inappropriate to cherry-pick a single issue for inclusion in the draft decision, as that would suggest that the Governing Body considered it to be of paramount importance. If the Employers were prepared to add a paragraph on a campaign to promote the ratification of migration instruments, the Workers might reconsider their position.
63. She asked why a tripartite meeting of experts on recruitment fees had been proposed. If the purpose was to discuss recruitment fees and how to address them in the context of temporary migration and recruitment, then any discussion should involve all constituents. If that meeting were to take place, it should look at the opportunities and challenges of temporary migration. She wondered whether reference should be made to skills recognition for temporary migrant workers. She also requested information on the training modules for journalists which would be part of the fair recruitment initiative. Moreover, Convention No. 181 and the Domestic Workers Convention, 2011 (No. 189), should have been included among the standards underpinning the proposed plan of action.
64. The much-needed work on irregular migration should include the drawing up of a compendium of good practices to enable member States to really address the issue. The ratification of migration instruments and other related instruments should be promoted to that end. Furthermore any discussion of self-employment and entrepreneurship would have to encompass migration with fraudulent forms of self-employment, as well as migrant cooperatives.
65. *The Employer spokesperson* said that any experts' meeting to identify and define recruitment costs should be as cheap and effective as possible with expeditious delivery by late 2018 in order to complement the very useful *General principles and operational guidelines for fair recruitment*. Although it would be inadvisable to graft an extra purpose onto that meeting, his group would join any consensus that might emerge on the subject. While the suggestion to promote cooperatives in the context of enterprise development and self-employment was interesting, it went beyond what had been agreed at the 106th Session of the International Labour Conference and should not therefore be pursued.
66. The Employers would welcome the incorporation of the alternative wording suggested by GRULAC into their own proposed amendment which was not an attempt to cherry-pick one of the areas which had been identified by the abovementioned session of the International Labour Conference as warranting special attention, but rather an effort to wrap up concepts in a clear programme of action. As it had been agreed in the Conference's conclusions concerning fair and effective labour migration governance that one of the priorities for ILO action would be to conduct a comparative analysis of temporary and circular migration schemes, his group was against any reference to temporary migration in the context of skills development.
67. *Speaking on behalf of IMEC*, a Government representative of Canada, speaking on a point of order, urged all groups to submit amendments by the 24-hour deadline.
68. *A representative of the Director-General* (Deputy Director-General for Policy) said that the aim of the plan of action was to create a balanced action-oriented approach that covered all ten areas warranting special attention, one of which was skills, but clearly there was no consensus on any order of priority. Outcomes 1 and 9 of the Programme and Budget for 2018–19 supplied the overarching framework for the programme of action, which meant that staff involved in skills development were working closely with those whose primary responsibility was driving forward results under outcome 9.

69. Plans for action on skills included the establishment of a quality assessment reference system for qualifications at the national level in the African region as a follow-up to the skills mobility mapping that had been carried out with the African Union in 2016. Such activities could be coupled with greater efforts to establish a skills forecasting system, as well as relevant capacity building for the constituents. The Office also intended to deliver capacity-building initiatives for designing and implementing bilateral labour migration agreements which would encompass skills-related issues. In that regard, the experiences from the Association of Southeast Asian Nations (ASEAN) could be extended to cover medium-skilled and not simply high-skilled professions. For that purpose, the Office would try to work on a specific global guide on negotiating bilateral and multilateral labour migration agreements, including a specific component on skills, which could then be pilot tested. Another example was a platform that the Office would like to develop for peer learning among interested employment services from the regional economic communities in order to enhance those services' capacities. That work could also be part of the ILO's contribution towards developing a global skills partnership under the Global Compact for Migration. The Office had a unique role to play in helping member States to move forward with the Global Compact for Migration. It would naturally continue to consult constituents at every significant step of the way.
70. Notwithstanding the expense, the experts' meeting would be an expedient way of developing the knowledge, expertise and guidance needed on fair recruitment and recruitment costs, which could be fed into the Global Compact for Migration in a faster and more meaningful way than through Office research. The outcome of an experts' meeting was also more authoritative than Office research. Although it was true that there was a relationship between temporary labour migration and recruitment costs, the typology of temporary labour migration schemes would not be ready until 2021 and it would therefore be difficult to contribute expertise to the meeting.
71. The four subregional dialogues would be the ASEAN Forum on Migrant Labour, the Economic Community of West African States (ECOWAS) Social Dialogue Forum, one organized by the Intergovernmental Authority on Development (IGAD) and one which would be held in North Africa. The Office was also examining funding opportunities to cover dialogues in other subregional settings such as the Caribbean Community (CARICOM) and the Southern Common Market (MERCOSUR). Discussions were under way on convening a regional conference on migration.
72. With regard to the training of journalists, there was no intention of the ILO becoming a school of journalism. However, it was important to ensure that those who reported on labour migration had at their disposal the tools and the very important concepts that the ILO had developed and knew what lines of action it was taking.
73. As for international labour standards, Convention No. 181 would certainly be promoted. The Office was furthering ratification of Conventions Nos 97 and 143 by responding to requests from member States and trade unions for technical assistance. The results of the meeting of experts on recruitment costs would first be submitted to the Governing Body which could then authorize the Director-General to disseminate them.
74. Turning lastly to the criteria for the selection of countries in the plan of action, she explained that an attempt had been made to harmonize them with the criteria for country-level work provided in the indicators for outcome 9. As stated in the Programme and Budget for 2018–19, there were eight African countries, two Latin American countries, one Arab State, ten in Asia and the Pacific and one in Europe–Central Asia.
75. *The Worker spokesperson* said that, as the conclusions concerning fair and effective labour migration governance, adopted at the 106th Session of the International Labour Conference,

had said nothing about a broad programme on skills development, her group could not accept subparagraph (c) of the draft decision, although it did support subparagraphs (a) and (b).

76. *The Employer spokesperson* asked how much the training of journalists would cost and how many additional workers and governments could be trained in fair recruitment practices in addition to the 12 mentioned in the paper, if money was not spent on development cooperation for a non-constituent. He wondered whether the experts' meeting might not be expedient for the Organization's actions in the wake of the Global Compact for Migration process rather than during it.
77. He wished to see subparagraph (c) put to the meeting with the amendment proposed by GRULAC. The Office's efforts on skills development required synergy and a strategic approach. Delivering a broad programme on skills development would not be stretching the agreement reached in June, or shift the focus of the actions set out in paragraph 17(b) of the conclusions concerning fair and effective labour migration governance. The Governing Body was charged with implementing and operationalizing what had been agreed, and the Employers were proposing to do so through a programme which would be entirely different and separate to the very concrete actions on temporary labour migration and a number of other matters that had been inserted into the conclusions by the Workers. His group was not proposing a different approach.
78. *A Government representative of the United States* endorsed the point of order raised by IMEC and said that subparagraph (c) was unnecessary because its contents were reflected in subparagraph (a). However, if subparagraph (c) were to be adopted, she would propose a subamendment referring to skills development for both migrant workers and national workers, in line with the conclusions of the Conference and with the Office paper.
79. *A Government representative of Azerbaijan* said that subparagraph (c) was very important as many migrants had no formal qualifications but skills which they had acquired in informal or non-formal conditions. He therefore suggested adding a few words on skills development and the recognition thereof.
80. *The Worker spokesperson* said that, since the action plan contained many important issues, her group would not agree to one point being treated as more important than the others by referring to it in the draft decision. Moreover the adoption of subparagraph (c) would mean that the Office would have to develop a programme on skills development, something that had not been requested in June or specifically mentioned in the report itself. The Workers did not support the proposal, and if subparagraph (c) were submitted for adoption, they would introduce a subamendment on a number of other important matters.
81. *The Employer spokesperson* said that his group would withdraw the proposed amendment, on the understanding that the matters in paragraph 17(b) of the conclusions would be implemented through a programmed approach. The scale, scope and content of that skills programme should be determined through full consultations between the Office and constituents, and should cover skills development for both migrant and non-migrant workers.
82. *The representative of the Director-General* (Deputy Director-General for Policy) said that the Office could indeed work towards developing a programme on skills that addressed the three aspects mentioned in paragraph 17(b) of the Conference conclusions, subject to resources and consultations with the social partners. That would be reflected in the record.
83. *The Worker spokesperson* noted the broad agreement on the importance of skills development and supported the Employers' proposal.

84. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group considered it very important to devise an extensive programme for skills development that would cover all sections of the population. He therefore supported the Employers' proposal.

Decision

85. *The Governing Body:*

- (a) *requested the Director-General to take into account its guidance in pursuing the five-year plan of action giving effect to the conclusions concerning fair and effective labour migration governance and to draw on it in preparing future programme and budget proposals, and in developing resource mobilization initiatives;*
- (b) *agreed to hold in the last quarter of 2018 a tripartite meeting of experts to discuss and agree on a definition of recruitment fees and related costs, which would report its conclusions to the Governing Body at its 335th Session (March 2019).*

(GB.331/INS/4/1(Rev.), paragraph 19.)

Follow-up to the resolution concerning employment and decent work for peace and resilience (GB.331/INS/4/2)

86. *The Employer spokesperson* said that his group welcomed the document as a basis for future work and follow-up of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). Recalling the two years of standard-setting discussion, he said that the Office should improve its guidance for Government delegates to the International Labour Conference to explain the unique tripartite nature of the ILO and the key role of Employers and Workers in discussions. In the first year of discussion, constituents had often felt under pressure to change their points of view to avoid inconsistency with other international organizations' handling of a particular issue; however, coherence should not be imposed at the cost of depriving the social partners of the right to advocate different approaches. Recommendation No. 205 had nevertheless been adopted in the second year after a constructive and harmonious debate as a result of the application of lessons learned. In the view of the Employers, it was a text of paramount importance and a necessary framework of guidance to deal with the uncertainties and challenges the world was currently facing.
87. Follow-up to the resolution should focus on preventing crises and disasters and on developing the skills needed to adjust to them. The guiding principles set out in Paragraph 7 of the Recommendation were essential in ensuring the social partners' involvement in designing and implementing public policies to improve preparedness and resilience, and ensuring good governance while combating corruption and clientelism. Holistic strategic approaches were essential, including creating or improving an enabling environment for sustainable enterprises with the direct involvement of the social partners, in accordance with the 2007 resolution on sustainable enterprises. That could be reflected more visibly in the ILO's assistance to fragile countries, on the premise that the private sector was necessary for

peace and stability because it played a critical role in the creation of employment as an engine of societal growth, progress and stability.

88. With regard to awareness raising and advocacy, the promotion and dissemination of ILO standards at the national level was increasingly resource intensive, therefore member States should cover a greater proportion of the costs so that the Office's funds could be spent on technical assistance. Furthermore, the proposal to promote the Recommendation at ILO Regional Meetings was problematic in view of the vast range of topics that must be addressed on a four-year cycle.
89. As for policy advice, technical cooperation and capacity development, the ILO already had a range of tools that could be used to improve countries' preparedness and help them to adopt policies that would allow them to adjust to drastic changes, including by assessing their existing regulatory and institutional environment; the guidance contained in the 2007 conclusions concerning the promotion of sustainable enterprises could be useful in that regard. The social partners should be consulted on specific and priority policy issues, and strengthening their capacity to take part in the debate should be a top priority for the Office.
90. The section of the document on knowledge development and dissemination should have emphasized the importance of private sector job creation to resilience, crisis management and recovery, particularly through enterprise development and entrepreneurship. Furthermore, the Office should compile knowledge and research on entrepreneurship in fragile States, and design or improve methodologies to help States to develop policies and support services for entrepreneurs, migrants and refugees. Employers' organizations could provide platforms for service delivery in entrepreneurship programmes.
91. It was crucial for the Office to have internal coherence in its follow-up and support, as multiple overlapping action plans could jeopardize the efficiency of its work; consultation with ACT/EMP and the International Organisation of Employers (IOE) could alleviate that problem. Further information on the coordination functions referred to in paragraphs 43 and 45 of the document would be welcome. The Employers supported the draft decision.
92. *The Worker spokesperson* said that his group endorsed the strategy proposed in the document. The systematic awareness-raising and advocacy campaign was welcome, particularly the fact that it would target the tripartite constituents and that the latest developments related to the Recommendation would be published on the ILO website, ensuring transparency and easy access to information. Promoting Recommendation No. 205 within existing efforts for the ratification and implementation of all international labour standards was welcome; those efforts should also include the recently updated Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the MNE Declaration).
93. As to policy advice, technical cooperation and capacity development, the Workers supported the fact that country-level support would secure synergies with relevant flagship programmes and that countries with protracted situations of fragility, conflict and disaster would be targeted primarily; they agreed that a degree of flexibility was required. Office action should involve the social partners in the target countries. The replication and intensification of relevant training courses delivered through the Turin Centre and the development of a massive open online course were positive developments, as was the delivery of tools and capacity-development activities for employers' and workers' organizations. Building staff capacity and awareness with respect to the Recommendation was also welcome.
94. With regard to knowledge development and dissemination, the Workers appreciated the fact that the strategy would build and expand on recent initiatives and products carried out in

cooperation with relevant partner organizations; however, the Office should also take workers' and employers' experience into account. The Workers noted that no mention was made in the document of the need to develop policies and tools to protect and promote freedom of association and the right to bargain collectively in crisis contexts. That should be better reflected in the strategy, together with the role of young people in crisis recovery and in building resilience. As to international cooperation and partnerships, the group welcomed the international partnerships already established and enhanced, and supported the strengthening of regional collaboration and the willingness to explore new partnerships at national level. In summary, the success of the Office strategy would be measured on the ground, when governments and social partners, with the support of the ILO, had developed strategies leading to sustainable development, crisis recovery and strengthened resilience while respecting the rights of the workers of the world. The Workers supported the draft decision.

95. *Speaking on behalf of GRULAC*, a Government representative of Paraguay reiterated the view of Latin American and Caribbean countries that employment and decent work could play a fundamental role in stabilizing societies after periods of crisis. The measures suggested by the Recommendation would help constituents to prevent and recover from crisis situations while contributing to the achievement of the relevant goals set by the 2030 Agenda. In that regard, the proposal to scale up the promotion of South–South and triangular cooperation and fragile-to-fragile cooperation would have a significant impact. The group endorsed the plan of action and encouraged the Office to continue to work with the regions and relevant stakeholders to increase awareness and promote implementation of the Recommendation. Recalling the group's commitment to international solidarity and technical cooperation, he supported the draft decision.
96. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that his group endorsed the proposed strategy and plan of action, and welcomed the intention to help constituents to develop and implement local, national and regional strategies and measures in order to give practical effect to the Recommendation. The Office should vigorously pursue the four components of the strategy by providing technical assistance to constituents. He noted with regret that the document did not mention the African Regional Labour Administration Centre and similar bodies that could play a role in mainstreaming the Recommendation at the regional level, and requested the Office to note the guidance provided during the discussion. His group supported the draft decision.
97. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova and Georgia. She endorsed the proposed strategy and the phased, multi-track approach introduced by the Recommendation. The systematic awareness-raising and advocacy campaign, the plan to publish developments and resources related to the Recommendation and its implementation on a dedicated web page, and the web platform hosted by the Turin Centre were particularly welcome. Country-level support through policy advice, technical cooperation and capacity development, taking into account the nature of the crisis, the extent of the impact and response capacity, and specific priorities and needs, would be crucial to the effective implementation of the Recommendation, as would regular capacity-development activities tailored to local needs.
98. The strategy should be more specific on matters relating to prevention, crisis response, sustainable development and the transition to the formal economy. She requested the Office to provide further information on the support to be provided to at least eight countries per biennium and the selection criteria, and on how the strategy would align with other multilateral efforts in low-income and fragile countries. The development of new research and tools, especially regarding data collection, was welcome. The Office should clarify how

the *Guidelines on social dialogue in public emergency services in a changing environment* would contribute to the implementation of the Recommendation. She fully supported the promotion of international cooperation and partnerships, particularly the Office's intention to explore collaboration with new partners, including at country level. The Office should continue and scale up its efforts to strengthen the humanitarian and development nexus within its area of competence. It was hoped that the new normative framework would be reflected in the forthcoming Global Compact on Refugees. The comprehensive nature of Recommendation No. 205 required an intra-Office approach to ensure internal and external coherence in pursuing the plan of action. She supported the draft decision.

99. *A Government representative of Mexico* expressed gratitude to the ILO for having sent a mission to join local authorities in assessing the impact on employment and social protection of the earthquakes of 7 and 19 September 2017. The situation in Mexico highlighted the relevance of Recommendation No. 205 and the extensive experience of the Office in supporting countries affected by crisis situations. The pertinence of the 14 guiding principles of the Recommendation to the adoption of crisis response measures was made clear on that recent occasion, and Mexico stood ready to share its experience and lessons learned from the application of those principles. She agreed with the Office on the need for coherence in the follow-up to the resolution and in the Office's support, hence the plan of action should be implemented in synergy with the cross-cutting policy drivers and the flagship programmes.
100. *A representative of the Director-General* (Director, Employment Policy Department (EMPLOYMENT)) thanked all members of the Governing Body for their support and endorsement of the strategy. She said that sustainable enterprises and enterprise development were taken into account throughout Recommendation No. 205 and were a very important consideration in employment generation, value chain production, small and medium-sized enterprises (SMEs), business continuity planning, local economic development and entrepreneurship, including for youth. She noted the proposal to document the impact and role of enterprises in job creation. As to the regional and subregional conferences mentioned in the document, the reference was to those meetings that offered an opportunity to raise awareness of the Recommendation, rather than to ILO Regional Meetings, for which the Governing Body approved the agenda. With regard to the coordination function, it embodied the principle that the response to crises required agility and rapid action as well as a context-specific combination of actions. Accordingly, an intra-Office task force would be convened on a regular basis through the Fragile States and Disaster Response Group located in EMPLOYMENT to review ILO action in the follow-up plan of action as well as when crises occurred, in order to provide an adequate and timely response within the resources available. The web page dedicated to Recommendation No. 205 would go live in the first quarter of 2018.
101. As to capacity building for the tripartite partners, that would indeed be a focus in the Office's action. Although the tools for freedom of association had not been mentioned in the examples in the document, they would indeed be included along with others that could be used in fragile situations. Youth would be a focus area of the strategy: one of the six thematic plans of the Global Initiative on Decent Jobs for Youth was "youth in fragile States", and the Jobs for Peace and Resilience flagship programme had a special focus on youth. As to the criteria for selecting countries, priority would be given to countries currently affected by protracted conflict or disaster, as determined by the programming tools from the country-level request to the outcome-based strategic programming framework. Resource mobilization was already well advanced, with more planned for ten countries under the flagship programme. In addition, some flexibility was allowed in responding to emerging crises.

Decision

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

- (a) *take into account its guidance in pursuing the plan of action for the implementation of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and to draw on it when preparing future programme and budget proposals and developing resource mobilization initiatives;*
- (b) *communicate the resolution concerning employment and decent work for peace and resilience to the governments of member States, and through them to the national employers' and workers' organizations and, also, to partner agencies in the multilateral system.*

(GB.331/INS/4/2, paragraph 47.)

Follow-up to the resolution concerning the second recurrent discussion on fundamental principles and rights at work ([GB.331/INS/4/3\(Rev.\)](#))

103. *The Worker spokesperson* said that recent ILO global estimates of child and forced labour showed that progress in combating child labour had stagnated and the number of workers engaged in forced labour had increased. The 2030 Agenda offered a significant opportunity for the ILO to redefine its work and increase its impact. Accordingly, the Workers welcomed the plan of action to give effect to the conclusions concerning the second recurrent discussion on fundamental principles and rights at work, adopted by the International Labour Conference at its 106th Session (2017). The plan of action not only reflected the framework for action set out in those conclusions but also addressed projects covered under SDG target 8.8. Implementation of the plan of action would focus on the specific needs and circumstances of member States and country-specific challenges identified through the supervisory mechanisms and ILO field offices.
104. In the lead-up to the 20th anniversary of the 1998 Declaration, the tenth anniversary of the Social Justice Declaration and the ILO centenary, member States must renew their commitment to the goal of universal ratification and effective implementation of fundamental Conventions, especially 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 DWCPs should give systematic consideration to that issue. It was essential that the necessary resources were found to ensure progress on drawing up a plan of action related to SDG target 8.8, with a focus on freedom of association and collective bargaining. The Office should provide more details of the process and time frame for developing the framework for measurement of discrimination and freedom of association and collective bargaining; the Workers' group trusted that targets would be specified as soon as the measurement framework had been set.
105. With regard to the appendix to the document, his group appreciated the links shown between outputs and the corresponding paragraphs in the framework of action. However, two typographical errors needed to be corrected: the second output under outcome 4 should be linked to paragraph 7(c), and the fourth output under outcome 2 should be linked to paragraph 7(j). Both paragraphs 7(i) and 7(j) of the framework of action should be reflected

in the plan of action.² The Workers' group drew attention in particular to the importance of delivering the key outputs concerning the annual review under outcome 1, and of indicators and methodology to measure freedom of association and collective bargaining under outcome 4. The Office should provide information on the extent to which funding had been confirmed and on how it intended to ensure that all key outputs could be delivered. His group supported the draft decision.

106. *The Employer spokesperson* said that there was strong tripartite support for fundamental principles and rights at work for four main reasons: those principles and rights applied to all member States, irrespective of the status of ratification of the core Conventions; they covered four critical categories, which were all equally important; expansion of the categories of those principles and rights to other labour issues would risk jeopardizing the consensus and diverting attention away from the existing four categories; and realizing the fundamental principles at work in practice meant responding with a bottom-up approach to the diverse needs and realities of member States.
107. The Employers welcomed the overall objective of the plan of action. However, the wording of the objective should be amended to reflect the commitment of constituents, rather than the obligation of member States. Her group supported the objective and approaches set out for component I. With regard to component II, it was misleading to say that Conventions Nos 87 and 98 had low rates of ratification; it would be more accurate to say that those two Conventions were marginally less ratified than the other six core Conventions. Her group urged the Office to focus its efforts under the plan of action on plugging the gaps in implementation of the fundamental Conventions.
108. It was clear from the appendix that the Office was prioritizing freedom of association and the right to collective bargaining over other categories of rights and principles. The focus on all four principles and rights at work should be spread out equally in the Office's activities and actions. With regard to global estimates on discrimination and freedom of association and collective bargaining, it was important that the Office developed and proposed a common measurement framework in line with the 1998 Declaration; that is, it must focus on effective recognition of the right to collective bargaining, and not simply compile and assess rates of collective bargaining coverage and trade union density. The Office should not develop indicators in the plan of action, because the conclusions concerning the second recurrent discussion spoke of data, not indicators. Employers and workers should be involved in development of the methodology to measure freedom of association and the right to collective bargaining, as well as of the methodology on other issues, such as discrimination. Global estimates should be based on concrete country- and sector-specific data that could be disaggregated. Rather than waste money on activities that would have little impact on the implementation of the 1998 Declaration, such as development cooperation programmes under outcome 3 or global and regional meetings under outcome 6, the Office should focus on national programmes and activities that responded to the needs and diverse realities of constituents in the countries.
109. Activities on OSH should be removed from the plan of action, since they fell outside the scope of the 1998 Declaration. However, SDG target 8.3, which was highly relevant to the fulfilment of the Declaration, had been omitted and should be included. The Office should focus on helping countries overcome gender discrimination as it was highlighted in the

² These have been rectified and a revised version of the document posted on the Web following the discussion. In addition, and for purposes of clarity, a few minor editorial changes were made to the column "Corresponding paragraphs in framework for action" of the appendix. These have been marked in bold for ease of reference.

1998 Declaration, without going into the details of the Equal Remuneration Convention, 1951 (No. 100).

110. Employers welcomed the intent to focus on member States' needs and circumstances, as that was consistent with a bottom-up approach, but would like the Office to reflect that fact more concretely in the plan of action, and especially in the appendix. Provided those proposed adaptations were made, the Employers' group would support the draft decision.
111. *Speaking on behalf of the Africa group*, a Government representative of Nigeria expressed agreement with the overall objective and structure of the proposed plan of action. In respect of component III, the group would like to see the Office take a particular interest in the situation of vulnerable groups in African member States, by helping to ensure regular migration and the promotion of decent work in the informal economy. The group hoped that a substantial part of any funding secured from international financial institutions to strengthen labour and environmental safeguarding policies would be used to promote decent work in Africa. The group would like to know the criteria that would be used to identify the member States that qualified for each stage of the action plan. He supported the draft decision.
112. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina, Norway, Republic of Moldova and Georgia. The group agreed that bottom-up approaches were essential to the success of the plan of action. While recognizing the importance of addressing specific country needs, the group would also welcome action to address trade relations, global supply chains and global partnerships.
113. She agreed with the proposed actions for outcome 1, and in particular the output on baseline tables for the annual review, and for outcome 2, where the output on a broad capacity-building programme for tackling obstacles to full realization of freedom of association seemed particularly relevant. She strongly welcomed the development of training materials and seminars on labour provisions in trade agreements. While agreeing with the proposed projects under outcome 3, the group felt it would be useful to address labour rights and the promotion of safe and secure working environments in connection with SDG target 8.8. Under outcome 4, she was pleased that the plan of action integrated assessment of fundamental principles and rights at work with OSH in public and private compliance initiatives. She also welcomed the planned briefs and tools to develop lists of hazardous child labour and to provide young people of working age with OSH training, as well as the continued provision of assistance to member States for raising awareness of child labour and forced labour issues. On outcome 5, the proposed gap analysis should investigate age, disability and sexual orientation as grounds for discrimination. With regard to the proposed actions under outcome 6, the group looked forward to the series of SDG notes on fundamental principles and rights at work and felt that it was important to address the full scope of SDG target 8.8. While the overall plan of action did not clearly address enforcement, that aspect was nevertheless encompassed in the priority given to workplace compliance under outcome 7. The group supported the draft decision.
114. *A Government representative of Argentina* drew attention to the projects under Alliance 8.7 and thanked ILO constituents for their dedicated preparatory work for the upcoming IV Global Conference on the Sustained Eradication of Child Labour, due to be held in her country. She invited participants in the Conference to offer pledges, as flexible instruments for shaping the Conference outcomes into specific actions. She supported the draft decision.
115. *A Government representative of Nepal* said that his country continuously sought to protect the rights of its disadvantaged and marginalized groups and bring them into the mainstream

of development. Labour rights and the right to social justice had been enshrined in its Constitution, which also guaranteed all fundamental principles and rights at work. Nepal was committed to ending all forms of workplace violence and harassment. Concerted collective efforts were required to ensure fundamental principles and rights at work, and social dialogue played an immense role in that regard. He supported the draft decision.

- 116.** *A Government representative of India* said his Government's deep commitment to fundamental principles and rights at work included a particular focus on implementation at ground level, in which legislation and procedural guarantees were progressively upgraded in step with socio-economic realities. His country was a party to six of the eight core ILO Conventions, having established in each case that all its relevant laws and practices were in conformity with them. His Government believed that labour issues should be dealt with separately from human rights, since the latter were clearly defined in the UN Declaration on Human Rights. Given the huge extent of his country's informal economy and non-standard forms of employment, it was prudent to adopt a phased approach to introducing fundamental principles and rights at work. He supported the draft decision.
- 117.** *A Government representative of Canada* welcomed the plan of action and expressed particular support for outcome 2, and notably for the output on the delivery of training materials on the implementation of labour provisions in trade agreements. Canada had long included comprehensive and enforceable labour provisions in its bi- and multilateral trade agreements. The broader aim was to support inclusive and sustainable growth, both in Canada and its partner countries. Her Government also believed that such provisions offered significant potential for protecting workers' rights and improving working conditions in global supply chains. She noted one of the actions called for the ILO in the adopted conclusion was to continue research, analysis and discussion on the contribution of labour provisions in trade agreements to the realization of fundamental principles and rights at work. She thus encouraged the Office to continue its research in that area. She supported the draft decision.
- 118.** *A representative of the Director-General* (Deputy Director-General for Policy), quoting from the 1998 Declaration, said that all member States had an obligation to respect those principles and rights and that the ILO plan of action was based fully on them. The Office had acted in accordance with the resolution adopted by the Conference in that it had reinforced its campaigns for universal ratification of the eight fundamental Conventions, taking into account, as mentioned in the resolution, the low rates of ratification of Conventions Nos 87 and 98, and for ratification by at least 50 countries of the Protocol of 2014 to the Forced Labour Convention, 1930.
- 119.** It was true that baselines for measures of non-discrimination had not yet been established. Nonetheless, the Office expected to have global estimates on selected aspects of grounds of discrimination by 2023, which would serve as a baseline for future trends. A four-step process was envisaged, entailing the elaboration of a detailed list of indicators, development of a methodology, pilot testing of that methodology and calculation of global estimates.
- 120.** The Office had long collected statistics on trade union density and collective bargaining. The methodology for doing that had been discussed at the International Conference of Labour Statisticians in 2013, and a consortium had been established, with organizations including Eurofound and the Organisation for Economic Co-operation and Development (OECD), to harmonize approaches to collecting data. Recording union membership and coverage of collective bargaining agreements did not, however, fully gauge the progress made in that area. A process to identify indicators and design methodology would therefore be developed, aligned with the Programme and Budget for 2018–19, and a timeline would be discussed with the constituents.

121. In the recurrent discussion, the Office was called on to explore the relationship between the fundamental principles and rights at work and safe and healthy working conditions, given that persons subjected to forced labour or child labour were often exposed to significant violations of safety and health. The Office was also pursuing research on trade agreements; it had conducted a study on the effect of labour provisions in trade agreements, and such work would be continued in the forthcoming biennium.
122. *The Employer spokesperson* said that her group's views on indicators and the need to develop a very sound methodology seemed to have been ignored. It was not relevant to take data on coverage of collective agreements as an indicator of freedom of association and collective bargaining. Her group insisted that it should participate in the development of the methodology in that area. It was crucial to address the issue of shrinking membership of trade unions and employers' organizations from an objective standpoint, in order to improve the situation.
123. *The Worker spokesperson* said that, following difficult discussions, the constituents had reached consensus at the Conference on the resolution concerning the second recurrent discussion on fundamental principles and rights at work. That resolution and the framework for action contained therein had been fully taken into account in the plan of action. It reflected, for instance, the views expressed on the under-resourcing of collective bargaining and freedom of association and the need to provide balanced support on all four principles. The plan of action was in line with the guidance given by the constituents at the Conference.
124. *The Chairperson* said that a consultation would be held on the development of the indicators.

Decision

125. *The Governing Body requested the Director-General to take account of its guidance in implementing the plan of action set out in document GB.331/INS/4/3 and to consider the plan of action when preparing future programme and budget proposals and developing extra-budgetary resource mobilization initiatives.*

(GB.331/INS/4/3(Rev.), paragraph 18.)

Fifth item on the agenda

The Standards Initiative: Implementing the workplan for strengthening the supervisory system (GB.331/INS/5)

126. *The Chairperson* suggested that the discussion should start with a round of general observations on the progress report, followed by comments on: the representations procedure under article 24 of the Constitution; the streamlining of reporting; the potential of article 19 of the ILO Constitution; and the follow-up action by the Office for the 332nd Session (March 2018) of the Governing Body.
127. *The Worker spokesperson* thanked the Office for the extensive consultations it had held on the item and noted that the exercise reflected the importance of the supervisory system to the constituents and their shared desire to make it more effective. The actions being taken under the item complemented ongoing work on the working methods of the CAS, the

Committee of Experts on the Application of Conventions and Recommendations (CEACR), and the Committee on Freedom of Association (CFA). Moreover, the Standards Review Mechanism was now fully functioning and would have an important impact on the work of the supervisory bodies. It was important to keep all those processes in mind when moving forward. Recalling that the objective of the current discussion was to identify the most suitable actions in order to strengthen the supervisory system, she said that while enhancing time and resource efficiency was a relevant consideration, such efficiency could not come at the expense of the effectiveness of the system or the access of workers to it.

128. *The Employer spokesperson* noted that, although the document took into account some of the inputs made by constituents in the informal consultations facilitated by the Office, the content and language of a number of sections, including the appendices, differed from the document submitted at the consultations. Although many of the proposals in the document were worthy of consideration, the approach was often focused on procedural details, which risked an unduly complicated and bureaucratic outcome. The Governing Body should be guided by the need to: streamline and simplify existing procedures so as to ensure that they have distinct profiles and mandates; enhance the transparency, legal clarity, user friendliness and effectiveness of the procedures in bringing about positive changes in the application of standards in ILO member States; and strengthen tripartite governance and ownership.
129. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea welcomed in particular the tripartite exchange of views that had been held. Reiterating his group's commitment to the process of strengthening the supervisory system, he said that transparency and integrity were essential and that the complementarity of the various procedures of the supervisory system should be enhanced, in order to avoid unnecessary overlap. As there were still significantly divergent views on many issues, he called on the Office to continue to hold appropriate tripartite consultations in the interest of consensus-based decision-making.
130. *Speaking on behalf of GRULAC*, a Government representative of Paraguay encouraged the Office to continue the broad and inclusive informal consultation process. GRULAC was committed to strengthening the supervisory system, to ensure that it remained relevant in a constantly changing world of work and at the service of all countries and regions. Furthermore, an integrated and holistic approach should be applied to the reform of the supervisory system. Interrelationships between procedures needed to be clarified so that duplication could be eliminated, thus reinforcing credibility and efficiency. Good practices should be shared and disseminated. Appropriate use of the supervisory system should recognize the importance of approaching situations and remedies in a gradual manner, in light of their seriousness and urgency, in order to ensure a just, efficient and proportionate response.
131. *Speaking on behalf of the Africa group*, a Government representative of Namibia congratulated the Office for its efforts to improve the workplan and for its consultative approach in that regard. He supported the process to strengthen the supervisory system, which had already demonstrated great promise to improve the core work of the ILO. His group endorsed the statement of the Government group.
132. *Speaking on behalf of ASPAG*, a Government representative of Australia supported the proposal by the Office in relation to article 24 representations, namely that complainants should be urged, but not compelled, to indicate what, if any, national mechanisms had been used before they made a complaint to the ILO. His group also supported the form in Appendix III. The Office should prepare clearer guidance on the established practices across the supervisory system that were still not entirely understood by constituents, in the form of a high-level guide or an online tool. In relation to paragraph 72(1)(b), he said that the membership of ad hoc committees should not be limited to those countries that had ratified

the Convention that was the subject of the complaint. His group endorsed the cost of computerizing the supervisory system and upgrading the NORMLEX platform. The status of complaints and compliance needed to be as clear as possible for the public record. However, a process should be available for member States to send documents by email, if they so required. ASPAG supported the proposal to ensure greater thematic coherence in requests for reports on all Conventions within a three-year reporting cycle for fundamental and governance Conventions and within six-year cycles for technical Conventions, as identified in option 2 of the document. It noted the link between the item and the Standards Review Mechanism. It was critical that outdated Conventions should be updated or abrogated sooner, to ensure that reporting could target those Conventions with contemporary relevance for ILO constituents. Stronger engagement between the CFA and the CEACR was to be encouraged, as was more communication between both bodies and ILO constituents. ASPAG endorsed the proposal to make better use of information in article 19 reports in whatever way possible, so long as the reporting burden was not increased. It supported simpler, shorter article 19 forms, focused on key changes to law and practice affecting compliance, and was in favour of rewarding those making efforts to comply, even without ratification. With due consideration of the group's comments on paragraph 72(1)(b), ASPAG supported the draft decision.

133. *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC aligned itself with the Government group's statement. IMEC was pleased with the level of detail provided in the document and welcomed the consultations leading up to the discussion. Nevertheless, additional information on certain proposals would be needed before the group would be in a position to support moving on to the next stages. The explanation of financing in paragraph 72(2) was a concern, specifically the proposal that, if the costs described in section 2.1 and in paragraph 69 could not be financed from savings under Part I of the budget, they would be financed through the provision for unforeseen expenditure (Part II). IMEC was reluctant to authorize resorting to that provision, especially so early in the biennium. She would have further questions for the Office on the costs and provisions for their financing during the debate on reporting procedures.
134. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that the group aligned itself with the statement by ASPAG and supported the proposed measures to strengthen the supervisory system. The grouping of Conventions to streamline the reporting procedure would help improve thematic coherence, facilitate member country fulfilment of their reporting obligation and enhance the overall effectiveness of the supervisory system. The growing number of ratified Conventions made it more challenging for member countries to comply with their reporting obligations. Given that many countries had limited capacity and resources, the reporting cycle for fundamental Conventions and for all other Conventions could be extended further to four years and six years, respectively, thereby reducing workload and allowing member States to spend more time and resources on implementation and engagement with relevant stakeholders. ASEAN supported the proposed model electronic form for the submission of representations under article 24, particularly to ensure that all means of consultation at the national level had been fulfilled before a representation could be submitted for further examination by the relevant bodies of the ILO.
135. *A Government representative of the Republic of Korea* said that, given the increase in the number of representations submitted under article 24 since the 1990s and the fact that national dispute-resolution mechanisms should be the first port of call for the parties concerned, he endorsed the ideas set out in paragraphs 9 and 10. He also endorsed the proposal to computerize the supervisory system and the plan for resource mobilization. Regarding the streamlining of the reporting system, he supported the thematic grouping of Conventions to reduce the reporting burden on member States and the workload of the CEACR. Specifically, he endorsed option 2, under which the reporting cycle of technical

Conventions would be extended to six years. Regarding the items for discussion at the 332nd Session of the Governing Body, he emphasized that any added value expected from the regular exchange of views among supervisory bodies should be assessed clearly. A cautious approach should be taken with regard to the proposal to establish an independent body to ensure legal certainty.

136. *A Government representative of France* said that the centenary year provided an opportunity to improve and strengthen the ILO supervisory system. Noting with interest the proposals on the streamlining of reporting, he called on the Office to continue its efforts in that respect. Legal certainty was essential as international labour standards were increasingly referred to in international economic instruments within the EU and the International Organization for Standardization (ISO) as well as in private international framework agreements. An authoritative mechanism for the interpretation of standards had to be set up in order to safeguard the credibility of the supervisory system. That body should be made up of legal experts selected by the constituents and its procedure should be adopted by the Governing Body and should offer every guarantee of expertise, transparency and independence. Thus, France supported the proposal contained in paragraph 68 of the document.

137. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that although a number of priorities had been set in the report, it was difficult to distinguish between procedures without losing sight of the hierarchy among them. In order to ensure a coherent package of measures, the Office should prepare in due course a document setting out all of the Governing Body's decisions on the subject, as well as the modifications introduced and the interrelationships among procedures.

138. *The Chairperson* invited the members of the Governing Body to consider the representations procedure under article 24 of the Constitution and paragraph 72(1) and (5).

139. *The Employer spokesperson* said that article 24 representations constituted a very important procedure that deserved the necessary focus and attention to ensure that it achieved its purpose at all times. Furthermore, the ILO must adhere to its principles of governance and the erosion of the original role of the Governing Body must be reversed. The proposal introducing the possibility to suspend the procedure for a limited period to allow for conciliation at the national level was both pertinent and reasonable. It was vital to send out a message encouraging parties to disputes to have recourse to national remedies wherever possible and to demonstrate that they had done so. Nevertheless, suspension should not impose pressure on the complainant to accept the outcome of national-level procedures. Exhaustion of national procedures should therefore not be a criterion for receivability. His group endorsed the limited period of time for conciliation set out in paragraph 9(ii) of the document. However, it did not agree with the proposal that the Officers of the Governing Body could suspend the procedure only if the complainant was willing and if the Government agreed. Suspension of a procedure currently required the consensus agreement of the corresponding ad hoc tripartite committee, guaranteeing that such decisions were not taken lightly. His group could therefore accept the proposal in question, on the condition that paragraph 72(1)(a) was amended to read: "paragraphs 9–10 (interim arrangements on the possible suspension of the procedure to facilitate voluntary national conciliation or the use of other alternative remedies at the national level)". The model electronic form in Appendix III to the document would have to be amended accordingly. His group accepted the two-year trial period, after which – and only after which – the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization should be amended accordingly.

140. Regarding the referral of representations concerning freedom of association or collective bargaining to the CFA, he recalled that article 3(2) of the Standing Orders afforded the Governing Body the discretion to refer such representations to the CFA, but did not impose

a duty to do so (the word “may” was used, rather than “must”). The provision actually afforded the Governing Body very wide parameters of discretion. The Governing Body had to retain its governance function to refer article 24 representations, and it should not invite the CFA to assess further its current practice as currently proposed in paragraph 72(5). The CFA had no constitutional mandate to consider complaints of non-compliance with ratified Conventions. Furthermore, individual representations sometimes referred to several Conventions, which must be examined together. Complainants making such representations did so with the Governing Body, rather than the CFA, in mind. Automatic referral to the CFA was therefore not appropriate, also given that the electronic form request complainants to provide information on the reasons why an article 24 procedure was preferred over other available ILO procedures. In addition, ad hoc tripartite committee members received more information on and had more time to examine representations than their CFA counterparts. If the aim was to engage the expertise of the CFA, it could be met by giving preference to past or present CFA members when composing ad hoc tripartite committees. Any issue of avoiding double jurisprudence did not arise as the ILO mechanisms did not produce jurisprudence to begin with. Consequently, the points set out in paragraph 72(1) and (5) were unacceptable and should be amended accordingly.

141. With regard to improvements in the functioning of ad hoc tripartite committees, he agreed with the proposal not to introduce pre-established time limits for the processing and examination of representations, and the proposal to keep the Governing Body informed at every session, in advance of the discussion and using electronic means, about the status of pending representations. The Employers agreed to the introduction of procedural safeguards to ensure the objectivity and impartiality of members of ad hoc tripartite committees. As to the proposal that committee members from the Government group should be from ratifying member States, the decision should be left to the governments themselves. The Employers had examined the amendment put forth by IMEC in that regard and could agree with it.
142. Turning to the issue of follow-up to representations, as referred to in paragraphs 17 and 18 and Appendix IV, an ad hoc tripartite committee, rather than the CEACR, should be responsible for follow-up to Governing Body recommendations. Appendix IV painted a rather negative picture of the effects of handing the responsibility for follow-up to ad hoc tripartite committees, making no reference to his group’s submissions in that regard. He asked where the reporting period referred to in point (iii) of Appendix IV was defined. Ad hoc tripartite committees should be responsible for monitoring the implementation of article 24 recommendations because they would already be familiar with the case in question, negating the need for further discussion, and would be best placed to assess actions taken by the government concerned. Committee members were also members of the Governing Body and could gather during Governing Body sessions to discuss follow-up. The integrity and autonomy of the article 24 procedure would be better protected if the whole process was placed in the hands of ad hoc tripartite committees. Follow-up by such committees would promote tripartite governance regarding ILO standards supervision. A point stating that responsibility for follow-up to article 24 representations must be shifted from the CEACR to the respective ad hoc tripartite committees should be inserted into paragraph 72(1). His group endorsed the proposals on the publication on the ILO website of an information document on the follow-up to article 24 recommendations, the reinforced integration of follow-up to recommendations including the offer of technical assistance and tripartite follow-up at the national level.
143. *The Worker spokesperson*, referring to the common principles guiding the strengthening of the supervisory system adopted in March 2017 and noting that the representations procedure under article 24 functioned reasonably well, cautioned against trying to fix something that was not broken. A more limited use was now being made of article 24 procedures. The default course of action, once a representation was deemed receivable, must continue to be the appointment of an ad hoc tripartite committee to examine the merits of the case. The

introduction of a conciliation process that amounted to a new admissibility requirement would hamper access to the article 24 procedure. However, the proposal for an optional voluntary conciliation on a trial basis could prove useful, but only provided that the safeguards outlined in paragraph 9 of the document were implemented so as to prevent undue pressure being brought to bear on the complainant. It was imperative for complainants to give a clear indication of interest and willingness to enter into national-level conciliation; it should not be up to the committee to determine conciliation, as proposed by the Employers. As for paragraph 9(ii), the Director-General should liaise with the government and the complainant only if the complainant had indicated its interest in conciliation in the model form, and the conciliation should be set in motion only after the tripartite committee had been set up to prevent unnecessarily prolonged procedures. Assistance by the Office or the secretariats of the Workers' and Employers' groups to the parties engaged in conciliation may be useful if desired by the parties. The ad hoc committee should examine the merits of the case without further delay once the conciliation had been exhausted or the complainant had indicated conciliation had failed or was unproductive. She suggested removing section 7 of the model form proposed for use by complainants submitting a representation, which requested the complainant to indicate whether the issue had already been examined by or submitted to the ILO supervisory bodies. The Office would be in a better position to provide that information.

144. The Workers strongly supported the current practice of having representations on Conventions concerning freedom of association automatically referred to the CFA. For reasons of principle and coherence, the Workers were opposed to the Employers' proposal to establish two parallel procedures, separating article 24 cases from other cases on freedom of association. Changing the rule would congest the article 24 procedure, create duplication and incoherent decisions, and result in less legal certainty and a different treatment based on ratification rates. That would weaken, rather than strengthen, the supervisory system. They were not opposed, however, to a further assessment by the CFA within the context of its current examination of its working methods to ensure a clearer distinction between its consideration of representations and complaints.
145. The Workers agreed with the proposal to provide the Governing Body with regular reports on the status of pending representations. Those should include information on whether a government had failed to respond in due time to a request by the ad hoc committee. They also agreed that committee members from the Government group should be from ratifying member States. They welcomed and supported the procedural safeguards concerning the members of the committee outlined in paragraph 16 of the document.
146. The proposed actions under paragraph 17 of the document on the status and follow-up of article 24 representations could be useful in ensuring a more systematic and transparent follow-up on the implementation of recommendations. The relevant table in the publication should provide more details on the follow-up actions taken. The publication should also indicate the type of technical assistance provided and whether follow-up action had been taken, but it should not assess the outcome of such action, which should be left to the CEACR. The Workers welcomed the proposal to systematically invite governments to avail themselves of technical assistance when transmitting the recommendations of the Governing Body.
147. With regard to the Employers' proposal concerning paragraph 18 of the document, the Workers agreed that the governance role of the Governing Body was important, but emphasized that the CEACR and, if necessary, the CAS, had their role to play. The Workers could not agree to the proposal that the other parts of the supervisory system would not be involved until the Governing Body, or the ad hoc tripartite committee, had re-examined the matter. The Workers considered that the proposal weakened the supervisory system.

148. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea announced his group's support for the proposal regarding optional voluntary conciliation at the national level, provided that full access to the supervisory system for the organizations submitting representations was maintained. The group agreed with the Office that the creation of a standing committee to examine all representations under article 24 should not be explored further.
149. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that voluntary conciliation at the national level would offer an opportunity for consensual tripartite solutions that took national circumstances into account. While that was not to be confused with exhausting domestic judicial remedies, GRULAC stressed the value of making use of national decision-making and social dialogue bodies. The model form for the submission of a representation under article 24 should request detailed information on national judicial procedures that could prove essential in securing a speedy resolution of a case. GRULAC supported the proposal that only government experts from States that had ratified a Convention invoked in a complaint should sit on the relevant ad hoc committee. However, the legal implications of the other proposals concerning the rules of participation in the ad hoc committee required further analysis.
150. GRULAC was in favour of publishing and regularly updating a follow-up document on the recommendations adopted by the ad hoc committees. The transparency of the supervisory mechanisms was valuable in that it contributed to effective compliance with international labour standards. Nevertheless, more time was needed to consider the proposal that the committees should continue to meet for the purposes of follow-up after the adoption of their recommendations; the prime consideration should be to strengthen the legal certainty of the supervisory system by determining clearly when the procedure would be closed.
151. GRULAC supported paragraphs 72(1)(a) and (c) and 72(5) of the draft decision, but proposed deleting "integrity of procedure and measures to protect ad hoc committee members from undue interference" from the bracketed wording in paragraph 72(1)(b).
152. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that, while in principle his group supported introducing voluntary conciliation at the national level on a two-year trial basis, it was concerned that such conciliation might hamper efforts to resolve disputes at the national level before submitting them to an ad hoc committee. Moreover, national circumstances in some countries might not be conducive to such an approach. It therefore proposed that the Standing Orders should provide for the Officers of the Governing Body to first screen representations under article 24, with a view to referring such matters for conciliation, social dialogue or other available procedures at national level, where feasible, on a time-limited basis, before appointing an ad hoc committee. Alternatively, an ad hoc committee could be appointed, but suspend its operation pending time-limited efforts to resolve the matter at national level. Furthermore, ILO technical assistance should be made available to help member States to introduce or adapt existing national mechanisms, and the parties should also be given the opportunity to request ILO assistance in dealing with particular cases.
153. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group welcomed the proposal for recourse to national conciliation procedures facilitated by the Office, without establishing a prerequisite for accessing the article 24 mechanism. IMEC generally supported a trial period, but wondered how ongoing national court procedures would be accommodated in the new system, and what criteria would be used to determine whether the new approach was successful. Constituents must be allowed uninhibited access to the article 24 mechanism.

- 154.** The draft standardized form for electronic submission of article 24 representations might help to unburden, clarify and strengthen the procedure. It appears to cover the relevant issues, including information on attempts to address the subject of the representation through national procedures, while not suggesting that the latter was a precondition to pursuit of an article 24 representation. The supervisory system should remain fair and rigorous. A report on the status of pending cases might improve its transparency. It would therefore be wise to flesh out the proposals on safeguarding the integrity of the procedure.
- 155.** IMEC was satisfied that the proposal for a standing article 24 committee had been withdrawn. It is helpful for members of ad hoc tripartite committees to have expertise in the Conventions concerned; hence IMEC supported ratification of those Conventions as a condition of membership of those committees. However, if no Governing Body member had ratified a Convention, the current procedure for appointing members of ad hoc committees should be applied. IMEC supported measures to reinforce integration of follow-up measures in the recommendations of committees and a regularly updated information document on the effect given to those recommendations, but did not support the proposal that ad hoc committees should be charged with follow-up.
- 156.** Although the current distinction between article 24 representations and regular complaints to the CFA was sufficiently clear, there was no objection to further assessment by the CFA in the context of its current examination of its working methods of measures to make it even clearer. Finally, paragraph 72(1)(b) should be amended to read: “ratification of the Conventions concerned as a condition for membership for Governments in ad hoc committees, unless no Government titular or deputy member of the Governing Body has ratified the Conventions concerned”. With that amendment, IMEC supported paragraph 72(1) and (5) of the draft decision.
- 157.** *Speaking on behalf of ASPAG*, a Government representative of Australia disagreed with the requirement that ratification of Conventions concerned should be a condition for membership of ad hoc committees. A government’s failure to ratify a Convention did not mean that a member of a committee would have an inconsistent or irrelevant opinion. The draft decision should therefore be amended.
- 158.** *A Government representative of Bangladesh* commended efforts to make the supervisory system more effective. The proposed model form for submission of representations under article 24 would encourage constituents to resolve disputes at the national level. The tripartite consultative body constituted under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), could be deemed the Office’s supervisory body at the national level. Enhancing its role might encourage better implementation of the Convention. The simplified report form should include a section on technical assistance needs to help the Office prioritize technical assistance to member States. Moreover, the need for different types of information or statistics in order to determine Conventions’ implementation status should be reflected in the form. He supported the draft decision.
- 159.** *A Government representative of Switzerland*, also speaking on behalf of Spain, said that the criteria for receivability should be clear, relevant, universally applicable, pertinent rather than purely formal and embodied in the Standing Orders for the sake of the credibility and legal certainty of the supervisory system. She supported the proposed modified article 24 procedure, as the possibility of national conciliation should be available to all.
- 160.** *A Government representative of China* recalled that the purpose of the article 24 procedure was to spur member States into fulfilling their obligations under the ILO’s Conventions. National remedies should be exhausted prior to submitting an article 24 representation. Voluntary conciliation at the national level, with support from the Office, should be tried out as it might facilitate the resolution of cases.

- 161.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)), responding to the Employer spokesperson, said that the one-year period referred to in point (iii) of Appendix IV had been proposed in light of the consultations held, but was merely aimed at determining a defined period for follow-up and could be amended. In response to questions raised by IMEC, she said that the procedure for accommodating ongoing court procedures would not change, as information on them was already heeded. However, the proposed model form would make that information more readily available. It was for the Governing Body to decide what criteria should be used to determine whether the new article 24 procedure was a success. They might include the number of cases where it had produced consensual outcomes at the national level or whether it had clarified the matter under examination at the international level.
- 162.** *The Chairperson* invited the members of the Governing Body to consider the streamlining of reporting and paragraph 72(2), (3) and (6).
- 163.** *The Worker spokesperson* said that efficiency in reporting was important but not the main goal of the process. She supported the proposals for computerizing the supervisory system, especially those for an information management system and the use of e-reporting, and the provision of a guide on established practices.
- 164.** Although the thematic grouping of Conventions for reporting purposes might help governments, it might lead to more generalized reporting rather than detailed reporting on a single subject. The Workers were strongly opposed to option 2, because it would extend the reporting cycle for technical Conventions from five to six years thereby preventing the timely provision of recommendations on the application of Conventions and impeding the discussion of cases related to technical Conventions. The ratification rate of many Conventions was already low as was the number of reports submitted on technical Conventions and the amount of detail those reports contained, even though reporting was vital to the exercise of the supervisory bodies' mandate. For that reason, the aim should not be to reduce reporting, but to assist governments in applying ILO Conventions. The Workers therefore preferred option 1, which would help to maintain the quantity and quality of the available information. However, the risks entailed by thematic grouping of many Conventions in a particular year – envisaged in option 1 and option 2 – included the possibility that discussions on specific reporting areas might be postponed for up to five years, although out-of-cycle reporting to the CEACR might act as a safeguard. She therefore hoped that the CEACR would consider allowing the reporting cycle to be broken when there were substantiated allegations of serious breaches of a Convention – and not only situations pertaining to matters of life and death or fundamental rights, as was currently the case. Neither option 1 nor option 2 should be considered until the conditions for breaking the regular reporting cycle had been expanded.
- 165.** The thematic grouping of Conventions in the comments of the regular supervisory bodies would facilitate the requisite coherent and holistic analysis. However, clear recommendations should be made to constituents regarding their obligations under each Convention. The Workers supported the proposed integrated report form and the proposed pilot project to establish baselines for the implementation of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
- 166.** *The Employer spokesperson* agreed with the introduction of an electronic document, an information management system and e-reporting, and asked the Office to provide an estimate of the savings that could be made from those measures. He noted that they might later be extended to other supervisory procedures, taking into account lessons learned from their introduction in the regular supervisory system. Regarding the thematic groupings of Conventions, the Employers preferred option 2, which would increase the effectiveness and reduce the burden of reporting, particularly in respect of technical Conventions.

167. The Employers agreed, in principle, with the integrated report form for simplified reports under article 22. He asked whether the distinction between detailed and simplified reports would remain as important after the introduction of e-reporting. If governments were able to update earlier detailed report electronically, that might reduce the number of late submissions of regular reports. He asked governments to submit proposals for other ways to incentivize on-time regular reporting.
168. Finally, he welcomed the pilot project to make reports under articles 22 and 23 publicly available and wished to know how that information could be presented in a user-friendly manner. He proposed adding the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), to the pilot project, given the increasing number of ratifications in recent years.
169. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea asked the Office for more information about the cost of developing and managing the computerized reporting process. The latter should take into account developing countries' IT environments, harness modern technology and consider changing work environments. He supported option 2 and said that the reporting obligations of member States should not increase. The deadline of 1 September was not too late, as governments struggled to submit reports on time, as they had to consult the social partners after the International Labour Conference in June.
170. *Speaking on behalf of GRULAC*, a Government representative of Paraguay supported the initiative to speed up the submission of reports and information. The effective implementation of ILO Conventions could not be measured by the number or frequency of reports. He supported option 2. The proposal regarding a consolidated report form for all simplified reports was useful. As transparency was important, it would be helpful to experiment with the virtual platform outlined in section 2.2.2.2 and indeed the MLC, 2006, was particularly suited to that project. He was in favour of the 1 September deadline for annual reports under articles 22 and 23. The issues in paragraph 42 of the document had not been covered sufficiently during consultations. The working methods of the CEACR already contained some safeguards, in that issues could be raised outside the regular reporting cycle in exceptional circumstances. He supported paragraph 72(3) in its entirety with option 2 under (a) and proposed deleting the first part of subparagraph 6.
171. *Speaking on behalf of the Africa group*, a Government representative of Namibia supported the plan for computerizing the reporting process and the overall management of the standards system. The Office should ensure that no member State was left behind and provide for technical assistance in the form of infrastructure and training to member States, and other ILO constituents, where needed, to ensure that they could fully participate in, and benefit from the abovementioned computerization. He endorsed option 2.
172. *Speaking on behalf of IMEC*, a Government representative of the United States said that she aligned herself with the Government group statement. She supported further refining the thematic grouping of Conventions in line with option 2. On the issue of computerization, more details were needed on the user interface because the changes briefly described in paragraph 24 would not constitute improvements for governments. The proposed e-reporting forms would not provide the formatting flexibility necessary for internal governmental clearance processes, and would create more work for governments. It was much simpler for governments to submit their reports electronically as single documents. The report form was not easily navigable, limited some responses to binary answers, and was not reproducible for use by multiple drafters. A system which retained the option for governments to submit the comments of social partners along with national reports was preferable, as it allowed governments to consult with social partners on the report prior to submission, augment reports to reflect the views of social partners, or respond to the comments expressed by social

partners, all of which were critical components of current reporting processes and in line with obligations for tripartite consultation on ILO reporting under Convention No. 144. While the paper acknowledged the need for flexibility in that regard, it provided no details of specific measures to secure it. A system should be constructed that would facilitate both reporting and report processing.

173. IMEC could in principle approve the new report form for simplified reports referred to in paragraph 72(3)(b). All new e-report forms should be submitted to the Governing Body for approval, as significant changes could be made when transitioning from current report forms to e-report forms.
174. IMEC strongly preferred ILO requests for reports to be sent electronically directly to labour ministries as written reporting requests could be delayed in transit and processing. It was strongly opposed to the practice of sending all requests through national missions in Geneva, though they should be copied in to ensure that they were aware of requests. However, it was absolutely impossible to move the submission deadline up from 1 September. She also requested more information on how the electronic document and management system would fit into the IT Strategy.
175. She asked whether all of the costs set out in section 2.1 and in paragraph 69 would be incurred in the current biennium, and whether any of the costs listed in paragraph 69 reflected existing staff costs, whether all of the activities described would incur additional expenditure, and whether any of those costs were reflected in the paper on the Information Technology Strategy 2018–21. IMEC was worried that the Office may need to resort to the use of the provision for unforeseen expenditure. Without additional clarification of the costs and planned online reporting system that would meet its concerns with regard to the increasing reporting burden for governments, IMEC could not approve paragraph 72(2) of the draft decision as it stood or US\$423,000 for the e-reporting facility to the CEACR. The reference to the costs in section 2.1, in paragraph 72(2) of the draft decision should be amended to include only those costs set out in section 2.1.1.
176. IMEC was open to the pilot project for the establishment of baselines but wanted more information on any additional costs the project would incur and on the feasibility of scaling up the pilot to generate baseline reports for all ratified Conventions. While it would be interesting to explore options for creating greater Internet access to information submitted in reports, making all reports, or the text included therein, available online might increase the reporting burden for governments, because those reports would require additional preparation and clearance for some governments.
177. Proposals from the CEACR on its possible contribution to optimizing the use of article 19 would be appreciated on the understanding that the Governing Body was trying to streamline reporting, not to broaden or create new reporting requirements. IMEC withheld support for paragraph 72(3)(b) and (c) pending further information from the Office.
178. A *Government representative of China* appreciated the Office's efforts to simplify the reporting process, supported the use of IT technology and other means to build a more powerful electronic information management system and requested more details of its cost. It was to be hoped that the Office would consider States' technological capacities and would develop tailored training tools. As a reporting cycle based on thematic groupings would ease the reporting burden of member States and help them to honour their reporting obligations, he supported option 2. However, the complexity of the MLC, 2006, might make it difficult to evaluate the pilot project to establish baselines.
179. *The representative of the Director-General* (Director, NORMES), said that computerizing the information management system would result in efficiency gains in terms of secretarial

work when preparing for the deliberations of the supervisory bodies and it would enhance collaboration between the secretariat and those bodies. She intended to associate the Governing Body more closely in developing the proposal on e-reporting.

180. *A representative of the Director-General* (Deputy Director-General for Management and Reform), said that the benefits of the projects had been assessed internally. They were often difficult to quantify in dollar terms, but by automating processes and facilitating communication between the secretariat and members of the various supervisory bodies efficiency gains or improvements were to expected, including faster case management by the secretariat, compliance with the paper-smart policy, faster and more accurate assessments of relevant content and secure access to all of the information at any time and from anywhere for the secretariat and members of the supervisory bodies. That was fully in line with the IT Strategy that had been approved by the Governing Body.
181. The project would not be covered by the IT Fund proposed in the IT Strategy as it was a department-specific project and therefore required the department either to identify funding itself or to revert to the Governing Body. It was not expected that the provision for unforeseen expenditure in Part II of the 2018–19 budget would be needed: it would only be used as an absolute last resort. Staff vacancies and delays in starting projects meant that spare resources could always be found in the course of a biennium to cover such projects.
182. *The Employer spokesperson* said that the proposals concerning the potential of article 19, paragraphs 5(e) and 6(d), were unnecessarily abstract and consequently difficult to understand. Moreover, they focused unduly on coordination, coherence and synergies between processes, without stating the intended improvements in terms of the quality of results. In order to improve the quality of General Surveys and their discussion, the following issues should be addressed: increasing the response rate of governments to article 19 questionnaires and the respective contributions of social partners; improving the completeness and relevance of government responses to article 19 questionnaires; and ensuring that the content of General Surveys was presented in a more user-friendly format.
183. With regard to the proposals related to the design, preparation and follow-up of General Surveys, a clear explanation should first be given of how the contribution of General Surveys to recurrent discussions was not optimal and should be improved, before considering targeted measures. The first discussion in the Governing Body should determine one or more instruments, not a “general topic”. The fewer the instruments selected, the more in-depth analysis could be expected from experts. It was not clear how a limited number of questions could be linked to achievement of the broader strategic objective, since they would all need to fall within the scope of the selected Conventions and Recommendations.
184. Solid and relevant information obtained through General Surveys would help to achieve meaningful outcomes in the CAS. To that end, the time allocated to discussion of General Surveys in the CAS should also be reconsidered. The discussion of General Surveys in the CAS could help the SRM TWG in making reviews and assessments of the respective instruments. Recourse to external experts to improve the discussion of General Surveys in the CAS could be considered on an ad hoc basis in special cases only. Holding a follow-up discussion of General Surveys at the November sessions of the Governing Body, as proposed, was not necessary; the Governing Body’s discussion of the outcomes of the CAS was not limited to promoting the ratification of standards and their implementation by non-ratifying countries.
185. The Office should ensure that the proposals to be presented to the Governing Body at its March 2018 session on the better use of article 19 were transparent and capable of yielding a clear improvement.

186. *The Worker spokesperson* said that the Governing Body should continue its practice of structuring its discussion in two stages and supported the suggestion that the Governing Body could invite the CEACR to further discuss and make proposals on optimizing the use of article 19. While appointing experts on the subject matter of the General Survey could be interesting, given the limited time available to the CAS, it could be difficult to do so in practice. She supported the inclusion of a standing item in the agenda of the November session of the Governing Body on follow-up of the General Survey by the CAS. It was puzzling that Employers preferred less Governing Body involvement in article 19 issues, whereas they generally argued for it to be more involved in article 24 and CFA issues. She supported the submission, to the Governing Body at its March 2018 session, of detailed proposals concerning the annual review on follow-up to the 1998 Declaration and its coordination with other related processes.
187. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that his group welcomed the Office's assurance that it did not seek the establishment of a subcommittee of the CAS for additional discussion of the General Survey.
188. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that the Africa group agreed in principle with the desirability of making better use of article 19, paragraphs 5(e) and 6(d), to request information from member States concerning non-ratified Conventions. However, that should be done without imposing undue burdens on non-ratifying member States. The group supported the proposal that the Governing Body should request the Director-General to facilitate tripartite consultations on possible implementation of the measures described in paragraph 61 of the document and on any additional measures related to follow-up to the discussion of the General Survey, for consideration at the March 2018 session of the Governing Body.
189. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that he supported maintaining the two stages of discussion in the Governing Body on the General Survey subject matter and report forms. While his group was not opposed to the inclusion of a standing item in the agenda of a session of the Governing Body, non-ratifying countries should not be invited; rather, a briefing session could be included with governments that had ratified instruments relevant to the General Survey, so that they could share practices. The CAS would become more powerful only if governments participated more actively in the process. General Surveys merited more in-depth tripartite discussion, such as consultations on CAS conclusions. GRULAC supported the draft decision set out in paragraph 72(4)(a) of the document, but a new paragraph should be inserted after paragraph 72(4)(b), which would read: "(4bis) requests the Director-General to facilitate tripartite consultations on the possible implementation of measures referred to in paragraph 61 and on any additional measures related to the follow-up on the discussion of the General Survey for consideration of the 332nd Session of the Governing Body." The reference to paragraph 60 in paragraph 72(7) should be deleted.
190. *Speaking on behalf of IMEC*, a Government representative of the United States supported maintaining the two-stage Governing Body discussion format but opposed the broadening of questions included in article 19 requests. A standing item could be included at the October–November sessions of the Governing Body on a trial basis before full implementation in order to determine whether the discussion facilitated a linkage between the CAS discussion of the General Survey and the outcome of the subsequent recurrent discussion. However, in the interest of time management, non-ratifying governments should not be invited to speak but could be invited to submit written information. IMEC supported the proposal in paragraph 72(7) to refer consideration of measures to enhance discussion of General Surveys to informal tripartite consultations on the working methods of the CAS, with the understanding that the Governing Body was not asking that more time be allotted to the General Survey at the expense of individual cases, and that there is strong opposition

to parallel sittings or subcommittees. Given the CAS workload and time constraints, the Office should provide further explanations on recourse to experts during the CAS discussion on General Surveys, as proposed in paragraph 60. In summary, provided the guidance given was taken into account, her group supported paragraph 72(4) and (7) of the draft decision.

191. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that greater efficiency could be achieved if opening statements, the adoption of the agenda and the general discussion were reduced to a minimum. That would leave a whole day for consideration of General Surveys, during which an expert could be invited to address the Governing Body. The deliberations of groups on working methods, either for the CAS or for the CFA, should be referred to the Governing Body for discussion and follow-up.
192. *The representative of the Director-General* (Director, NORMES) said that all the suggestions and recommendations made had been duly noted. The subject was also on the agenda of the informal tripartite consultation on the working methods of the CAS to be held the following day.
193. *The Worker spokesperson*, referring to section II of the document, on three actions submitted for guidance, and the draft decision contained in paragraph 72(8), said that she did not support the proposal on a regular meeting between the supervisory bodies because such a process could undermine the independence and authority of the supervisory system. However, she agreed with the three actions outlined in paragraph 65. She did not support the codification of article 26 because that could limit the different methods currently used by the Governing Body to handle cases, based on their content and country situation. Rather, a guide should be prepared to explain the procedure and practice. She supported the holding of informal tripartite consultations on the elements and conditions necessary for the operation of an independent body under article 37(2) of the Constitution.
194. *The Employer spokesperson* said that clarification of the distinct role and mandate of the CFA was necessary; while the CFA examined complaints pertaining to the principles of freedom of association and collective bargaining, it had no mandate to supervise ratified ILO Conventions. Unless that clarification was considered by the Governing Body, his group did not support presentation of a report of activities by the CFA Chairperson to the CAS. Publication of summary reports of missions requested in the conclusions of the CAS was fundamental to increasing transparency in the follow-up of CAS discussions. It was also important to publish the follow-up to CAS conclusions in a separate part of the report of the CEACR. The Employers supported the staged approach to codification of the article 26 procedure, on the understanding that the second stage (discussion of possible codification) depended on the outcome of the first stage. On legal certainty, the Employers would not oppose tripartite consultations on the issue. However, there was no automatic relationship between the first and second steps, let alone between the second step and the establishment of a body under article 37(2).
195. *Speaking on behalf of the Africa group*, the Government representative of Namibia agreed in principle to the organization of annual meetings of the supervisory bodies (action 1.2) but felt strongly that Government representatives, including regional coordinators, should be entitled to participate in the proposed “conversation”. Further consultations were needed to clarify its purpose and ensure transparency and tripartite participation. His group supported the three other actions proposed under action 1.2, as well as the proposal that the item related to action 2.3 should be placed on the agenda of the March 2018 session of the Governing Body.
196. *Speaking on behalf of GRULAC*, the Government representative of Paraguay, referring to action 2.3, emphasized that legal certainty was a fundamental factor that should be a guarantee of all existing supervisory procedures. Article 37(2) of the Constitution should be

addressed at a later stage; the creation of a new entity was not necessarily the solution to the legal certainty problem. The group fully supported the proposal for the March 2018 session to discuss possible ways of giving greater transparency to the existing article 26 mechanism. The Governing Body's working methods under article 26 had evolved such that the tripartite constituents were now much more involved through its plenary sittings. Given the high visibility of cases at Governing Body sessions, a rule should be introduced to suspend all other special procedures in the standards supervisory system once the Governing Body had taken a decision on receivability.

197. Dialogue between the supervisory bodies would provide a useful tool for strengthening the system, addressing unnecessary duplication and building on consensus and dialogue among constituents. The group looked forward to seeing proposals on that issue which offered clear opportunities for governments to participate, either through group spokespersons or regional coordinators. He urged the Office to develop, before the March 2018 session of the Governing Body, a proposal for ensuring tripartite discussion of the working methods of the supervisory bodies. His group accepted all the elements of the draft decision as set out in paragraph 72(8).
198. *Speaking on behalf of IMEC*, the Government representative of the United States welcomed the opportunity to further consider specific proposals on the topics covered in paragraph 72(8)(a) at the next session of the Governing Body. The group was not convinced about the added value of the proposed annual meeting between the supervisory bodies referred to under action 1.2; she looked forward to fuller discussion of the remaining proposals under that action. The group supported the staged approach under action 2.1 involving, as a first stage, the preparation by the Office of a guide clarifying existing rules and practices and linkages with other supervisory procedures and a second tripartite discussion stage, which it felt should also address receivability criteria. IMEC had not yet developed a position on action 2.3, and it supported the draft decision as set out in paragraph 72(8)(b), expressing the expectation that the proposal would streamline existing reporting obligations rather than add to them.
199. *The Worker spokesperson* said that the Standards Initiative had been launched in a context of crisis. Whereas many contributors were clearly attempting to work in the direction proposed by the Office, albeit in contrasting ways, she had difficulty in understanding the Employers' position, and in particular whether challenging the role and mandate of the CFA was really the best way to strengthen the supervisory system.
200. *The Employer spokesperson* said that, while the supervisory system was not broken, it certainly needed improvement. Strengthening was not the same as preserving the status quo, and change did not mean weakening. Uncomfortable though it might be for some, the task was to accept the need for change and to confront the future. The current differences between his group and the Workers showed the value of social dialogue. His group had every reason to believe that the discussion was on the right path.
201. *Speaking on behalf of the Government group*, the Government representative of the Republic of Korea reiterated that decision-making should be fully consensus-based and requested the Office to facilitate tripartite consultations. The Government group was committed to developing the workplan, especially during the current session.
202. *A Government representative of Brazil* agreed that the level of consensus reached in the current discussion demonstrated the strength of the consultations that had taken place over the year. In particular, there was broad support for the option of voluntary conciliation at the national level. Reaching a decision on the pilot project to establish baselines for the MLC, 2006, would enable a transparent document to be produced that would help all users understand the supervisory system better. It would also be extremely helpful if consensus

could be reached on adopting option 2 of the proposal on “thematic grouping of Conventions for reporting purposes”, for the reasons given earlier by members speaking on behalf of GRULAC and the Government group. Lastly, in connection with the regular conversation between the supervisory bodies (action 1.2), he welcomed the interest expressed by governments in becoming more involved in discussion of the working methods of the standing and subsidiary bodies.

203. *The Government representative of the United States* agreed with the previous speaker that the level of consensus reached was encouraging and looked forward to further discussions.

204. *The representative of the Director-General* (Director, NORMES) said that the Office had revised the draft decision in the light of the majority views expressed during the initial discussion of the agenda item, to read:

The Governing Body, based on the proposals set out in the document and the further guidance provided during the discussion:

- (1) approves the following measures concerning the operation of the representations procedure under article 24 of the Constitution:
 - (a) arrangements to allow for optional voluntary conciliation or other measures at the national level, leading to a temporary suspension of the examination of the merits of a representation by the ad hoc committee. The suspension would be subject to the agreement of the complainant. These arrangements would be reviewed by the Governing Body after a two-year trial period (paragraphs 9–10);
 - (b) publication of an information document on status of pending representations (paragraph 14);
 - (c) ratification of Conventions concerned as condition for membership of Governments in ad hoc committees unless no Government titular or deputy member of the Governing Body has ratified the Conventions concerned (paragraph 15);
 - (d) measures for the integrity of procedure and to protect ad hoc committee members from undue interference (paragraph 16); and
 - (e) reinforced integration of follow-up measures in the recommendations of committees and regularly updated information document on effect given to these recommendations (paragraph 17), as well as continuing to explore modalities for follow-up action on the recommendations adopted by the Governing Body concerning representations;
- (2) approves the measures and costs set out in section 2.1.1 (an electronic document and information management system for the supervisory bodies) and in paragraph 69 (preparation of a guide on established practices across the supervisory system), and decides that they will 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 2018–19 biennium;
- (3) approves the measures proposed on the streamlining of reporting on ratified Conventions concerning:
 - (a) thematic grouping for reporting purposes (Appendix V) under option 2 (section 2.2.1.1); and
 - (b) a new report form for simplified reports (section 2.2.2.1);
- (4) decides to continue to explore concrete and practical measures to improve the use of article 19, paragraphs 5(e) and 6(d), of the Constitution, including with the purpose of enhancing the functions of General Surveys and improving the quality of their discussion and follow-up, in particular by the Committee on the Application of Standards, as well as by the Governing Body (through a standing item in its agenda on a trial basis);

- (5) invites the Committee on Freedom of Association, in the context of its current examination of its working methods, to assess further its practice relating to the examination of article 24 representations and to propose any necessary measures or adjustments to the Governing Body to ensure a clearer distinction between its consideration of representations and of regular complaints;
- (6) invites the Committee of Experts to review the current operation of the safeguard allowing observations from the social partners to be addressed outside the regular reporting cycle (paragraph 42); encourages it to pursue the examination of thematically related issues in consolidated comments (section 2.2.1.2); and further invites it to make proposals on its possible contribution to optimizing the use made of article 19, paragraphs 5(e) and 6(d), of the Constitution (paragraph 59);
- (7) invites the Conference Committee on the Application of Standards, through the informal tripartite consultations on its working methods, to consider measures to enhance its discussion of General Surveys;
- (8) requests the Office to present at its 332nd (March 2018) Session following consultations with the tripartite constituents:
 - (a) concrete proposals to give effect to actions 1.2 (regular conversation between the supervisory bodies), 2.1 (consideration of the codification of the article 26 procedure) and 2.3 (consideration of further steps to ensure legal certainty);
 - (b) further detailed proposals on the use of article 19, paragraphs 5(e) and 6(d), of the Constitution, including in relation to the Annual Review under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work;
 - (c) detailed proposals for electronic accessibility to the supervisory system for constituents (e-reporting, section 2.1.2) bearing in mind the concerns raised by constituents during the discussion; and
 - (d) more information on a pilot project for the establishment of baselines for the Maritime Labour Convention and possibly other Conventions such as Convention No. 187 (section 2.2.2.2).

205. *The Worker spokesperson* said that, while her group disagreed with some of its provisions, the revised draft decision reflected the views of the majority and she supported it.

206. *The Employer spokesperson* said that with the exception of paragraph (2) concerning an electronic document and information management system, which his group was prepared to adopt, he would prefer to defer action on the draft decision until the March 2018 session of the Governing Body.

207. *Speaking on behalf of ASPAG*, a Government representative of Australia said that he supported the draft decision. However, in the context of paragraph 1(c), it was important to maintain a geographical balance in the membership of ad hoc committees.

208. *Speaking on behalf of IMEC*, a Government representative of Canada said that he supported the revised draft, which accurately reflected the discussion of the item and provided a viable way forward on that complex set of issues.

209. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group would have preferred to discuss the draft decision on a paragraph-by-paragraph basis and then to adopt it in its entirety. Furthermore, paragraph 1(d) failed to clarify the measures that members of ad hoc committees could take in order to ensure integrity of procedure.

210. *The Employer spokesperson* reiterated that his group was not in a position to support the draft decision and would prefer to discuss it further at the March 2018 session of the Governing Body.

211. *The Worker spokesperson* requested the Employer spokesperson to specify the provisions of the draft which, in his view, required additional consideration.
212. *The Employer spokesperson* said that he had discussed some of the issues with the Worker spokesperson, but they had been unable to agree on them owing to a lack of time. Those were the areas that he wished to defer until the March 2018 session.
213. *The Worker spokesperson* said that, while her group could have accommodated the Employers' concerns on several smaller points, there were two major issues on which their views conflicted with the majority position of the Governing Body. It was important for the three groups to find agreement wherever possible, particularly on an important issue such as the Standards Initiative, but no group had a veto on the way forward just because agreement could not be reached on one issue.
214. *The Chairperson* recalled that the common principles guiding the strengthening of the supervisory system, as set out in the revised workplan that the Governing Body had approved at its session in March 2017, stated that "decisions will be taken on a consensual and participatory basis by the ILO governance bodies". While there was a majority in favour of the revised draft of the decision, the importance of the supervisory mechanism made it necessary to achieve a balance between the three groups. He therefore proposed that the discussion should be continued at the 332nd Session (March 2018).
215. *Speaking on behalf of ASPAG*, a Government representative of Australia suggested that the Governing Body should adopt the provisions of the draft decision that the Employers could support.
216. *The Employer spokesperson* said that it was precisely because of the importance of the discussion that he wished to allow time for consensus to be reached. Moreover, he was not convinced that the majority of the Governing Body was in favour of the revised draft, since some Governments that had not participated in the debate might in fact have difficulties with it. At present, his group was prepared to adopt paragraph 1(c) and (d).
217. *The Worker spokesperson* said that, while she understood some constituents' desire to clarify the points on which the Employers and Workers disagreed, she was not prepared to engage in a piecemeal debate on the closely linked provisions of the draft decision. However, as paragraph (2) concerned a purely technical matter, she would not object to its immediate adoption.
218. *The Employer spokesperson* reiterated his conviction that it would be possible to reach consensus on the other provisions of the draft decision, but taking into account the time and energy that had already been devoted to the discussion, at that stage it was not pragmatic. His group could therefore approve without any problem the adoption of paragraph (2) of the draft decision.

Decision

219. *The Governing Body:*

- (a) *approved the measures and costs set out in section 2.1.1 (an electronic document and information management system for the supervisory bodies) and in paragraph 69 (preparation of a guide on established practices across the supervisory system) of document GB.331/INS/5, and decided that they would 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 2018–19 biennium;

- (b) deferred consideration of all remaining matters concerning the implementation of the workplan for strengthening the supervisory system to its 332nd Session (March 2018).*

(GB.331/INS/5, paragraph 72, as amended.)

220. *Speaking on behalf of IMEC*, a Government representative of Canada said that he was disappointed in the outcome of the discussion. While he understood the importance of moving forward together on an issue as sensitive as the Standards Initiative, the Governing Body had deferred the adoption of numerous draft decisions and would have a daunting task before it at its 332nd Session (March 2018).

Sixth item on the agenda

Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015): Progress report on the implementation of the action plan (GB.331/INS/6)

221. *The Employer spokesperson* expressed satisfaction with the progress made since November 2016. It was gratifying that the ILO had given due consideration to the specific needs of SMEs and their workers when developing policies and guidance. The Employers were also pleased with the progress made in knowledge generation and in strengthening the Enabling Environment for Sustainable Enterprises (ESEE) programme, which was a useful tool which should be expanded by improving internal coordination and certain elements of current efforts and mobilizing resources.
222. Identifying the environment in which enterprises thrived was a key to understanding the challenges behind the creation of decent jobs. A more visible link should therefore be created between the enabling environment, employment policies and the design of DWCPs. The Office should adopt a holistic approach and make the ESEE programme a cross-cutting priority for the Office as a whole.
223. The ILO needed to go beyond evaluation and provide capacity building for constituents to enable them to implement and monitor ESEE programme reforms. In future, impact measurement should cover factors such as job creation or poverty reduction which were of relevance to national policy-making.
224. The Office should encourage donors to support the programme and allocate internal resources to its expansion, so that progress was not hampered by a lack of funding. Enterprise creation was a cornerstone of decent work.

225. The huge employment potential of SMEs made it essential to give them a special place in the discussion on the future of work. For example, tools should be developed to assist SMEs to enter the digital age. Employers' organizations should be seen as key implementing partners of programmes to provide services to the SME community. SME support programmes needed to be made more independent from donor money, for example through cooperation with national training providers.
226. He requested an update on progress made towards expanding the EESE programme and mobilizing resources to that effect at the 332nd Session (March 2018). Subject to the Office's agreement thereto, the group endorsed the draft decision.
227. *The Worker spokesperson* thanked the Office for the progress report and agreed that SMEs had an important role to play in achieving decent work and creating productive employment. Further reporting on progress at future Governing Body sessions would therefore be welcome.
228. While the ILO's work on the EESE programme was welcome, the 1998 Declaration should provide guidance on all SME promotion activities and all elements of the EESE should receive attention in the EESE programme. It would be interesting to know how the specific legislative changes referred to in paragraph 6(a) related to social and environmental aspects of sustainable enterprises and what they entailed. He also wished to know whether the sectoral working groups mentioned in paragraph 6(b) were tripartite and whether their deliberations had helped to improve the social aspects of the enabling environment for sustainable enterprises.
229. He welcomed the research paper on the impact of social dialogue and collective bargaining on working conditions in SMEs and hoped that it would contain practical recommendations on the future agenda of the Office in that regard and on improving links with other ILO units dealing with standards, working conditions and industrial relations, both at headquarters and in the field. It was to be hoped that resources would be made available to organize a workshop to present the results during the upcoming biennium. With a view to improving working conditions in SMEs, it might be a good idea to draw up guidelines on conditions for procurement from SMEs, which could be based on the recently revised MNE Declaration and the International Labour Conference conclusions on global supply chains. The policy briefs on what worked in SME development should have a greater focus on improving working conditions in SMEs.
230. The fact that not all aspects of the EESE programme had been taken on board in the proposals to expand that programme to more countries was a matter of concern. Much of the country-level work had been undertaken exclusively with ACT/EMP with minimal collaboration with trade unions. He asked which additional countries would benefit from the expansion of the programme, and what arrangements were being made to involve workers and cover issues relating to working conditions. It was regrettable that the impact of the first two phases of the Sustaining Competitive and Responsible Enterprises programmes (SCORE) on working conditions still seemed to be very limited. Phase three should therefore focus more on that aspect. The intention to work more closely with trade unions in the countries concerned to that end was therefore commendable. He questioned the sustainability of young, high-growth SMEs and inquired about the ILO's activities in relation to innovative start-ups in new technologies and the digital economy, and how they fitted in with the Future of Work Initiative. Again the Workers wished to see more discernible integration of Recommendation No. 204 in the Office's work on SMEs.
231. The table showing planned results versus achievements relating to follow-up to the conclusions concerning SMEs again omitted any reference to cooperatives, although they had been widely discussed at the International Labour Conference. It was essential to upscale

the programme on cooperatives to encompass the promotion of cooperatives, technical assistance, research and statistics and the promotion of the Promotion of Cooperatives Recommendation, 2002 (No. 193).

232. *Speaking on behalf of the Africa group*, a Government representative of Rwanda expressed concern at the lack of funding for the action plan and suggested that alternative sources of finance should be sought. He welcomed the concept note on the review of the EESE programme, studies on good practices in procurement from SMEs and the What Works in SME Development series. He commended the progress made in promoting knowledge generation for the creation of enabling environments. He supported the draft decision.
233. *Speaking on behalf of IMEC*, a Government representative of Turkey said that the achievement of several SDGs depended on the creation of decent jobs in SMEs, since they were the main providers of employment. He therefore urged the Office to incorporate indicators relating to the quality of jobs into future research activities.
234. As global supply chains played an important role in the sustainability of SMEs and the creation of decent employment, the Office should continue to support global technical cooperation programmes on SMEs in supply chains. Key findings from those programmes should be submitted to the Governing Body. The lessons learned from activities under the EESE programme should be more widely available to enable the sharing of good practices. However, he asked what was meant by “the reduction of the inspection burden on companies” in paragraph 6(c). In IMEC’s opinion, targeted and effective inspection should be maintained. He wished to know if the Office had any proposals for overcoming the underfunding of the action plan.
235. Since the use of information and communication technology was fundamental to the development of sustainable enterprises, he asked the Office to evaluate the impact of such technology on SMEs and to facilitate SMEs’ access thereto. Strategic partnerships with other organizations were vital to fostering decent, productive employment in SMEs. Discussions on resource mobilization should be postponed until the report by the World Bank Group on the impact of promoting growth-oriented enterprises in developing countries had been received. Consideration should also be given to the role of micro-enterprises in women’s entrepreneurship and economic empowerment, and the need to create an enabling environment for youth entrepreneurship as a means of combating youth unemployment.
236. Finally, he suggested that the Office should report on progress to the Governing Body’s 335th Session (March 2019) and continue to implement the action plan during the 2018–19 biennium. He supported the draft decision.
237. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Serbia, Albania, Bosnia and Herzegovina, and the Republic of Moldova aligned themselves with the statement. She supported the statement made by the representative of IMEC.
238. She asked the Office to consider future studies on: the link between SME policies and the future of work, informal–formal work relationships, labour market integration of migrants and refugees, and youth employment and entrepreneurship. In that context, the research into evaluation methods jointly conducted with the World Bank Group was welcome. It was, however, crucial that the ILO broadened its cooperation with other international organizations. SMEs could contribute to the achievement of the 2030 Agenda, but investment was needed if SMEs were to achieve their growth and innovation potential. Given that some components of the action plan remained underfunded, she encouraged the Office to enhance cooperation between departments to ensure that the action plan would be

fully implemented. She agreed that the Office should report on progress in March 2019 and supported the draft decision.

- 239.** *A Government representative of India* said that the sustainability of the huge number of SMEs in India was a challenge. Responsible business practices across global supply chains would be required if SMEs were to contribute to the creation of decent and productive employment. The ILO should support capacity building throughout supply chains in a bid to secure decent jobs for those most in need of them. The Office's interventions should be country- and sector-specific and take into account the size, output and level of employment generation of SME sectors in each country.
- 240.** *A Government representative of the Islamic Republic of Iran* said that the sustainability of SMEs was crucial to economic growth and employment creation. Given the importance of the key deliverables, it was to be hoped that the review of the EESE programme could identify areas for further development. He commended the emphasis placed on generating additional country-level work under the EESE and SCORE programmes. An evidence-based approach to SME policies was crucial, hence more research on the effectiveness and cost-efficiency of SME interventions, the impact of sustainability and improved working conditions was required. Training packages on SME development should be extended to include young entrepreneurs. Moreover, the Office should develop targeted measures and programmes to promote cooperatives, which played an important role in many national economies. A set of indicators should also be developed to determine why many SMEs were unsustainable. Finally, he asked the Office to provide definitions for micro-, small and medium-sized enterprises to facilitate statistical analysis. He supported the draft decision.
- 241.** *A representative of the Director-General (Director, Enterprises Department (ENTERPRISES))* said that the Office had produced a total of six policy briefs on SMEs, including one on productivity and another on training. He noted the request to expand the scope of the policy briefs to include workers and cooperatives. The Enterprises Department regularly met with other policy departments and units to ensure coordination within the ILO. The Office would consider making the EESE a cross-cutting theme. He recognized that work on SMEs would need to be integrated into future work initiatives, particularly as a large proportion of employment creation would occur in SMEs in the future.
- 242.** Concerning funding, a meeting had been held with representatives of the Partnerships and Field Support Department to consider innovative funding sources, including public-private partnerships and domestic sources in countries where activities were being implemented. He agreed that tripartism and social dialogue were fundamental to the successful implementation of the EESE programme. If those elements were not being implemented effectively, then an audit would be required to determine the cause. The Office was committed to furthering effective and efficient labour inspections. EESE assessments would be expanded to seven additional countries and a second region in Mexico.
- 243.** *The Worker spokesperson* said that the time frame proposed by the Employers' group for reporting to the Governing Body in March 2018 might not allow the Office sufficient time to report on the additional elements that had been requested.
- 244.** *The Chairperson* said as no amendment had been proposed to the draft decision, the exact time frame for reporting should be discussed by the tripartite screening group at its next meeting.

Decision

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

- (a) continue to implement the action plan on how to follow up the 2015 conclusions concerning SMEs and decent and productive employment, taking into account the guidance provided by the Governing Body;*
- (b) allocate the required resources, within the limits of resources available, so as to ensure continued success with the implementation of the action plan.*

(GB.331/INS/6, paragraph 16.)

Seventh item on the agenda

Review and possible revision of formats and Standing Orders for meetings

(GB.331/INS/7)

- 246.** *The Employer spokesperson* said that, in view of past difficulties owing to the lack of clarity of rules of procedure in some meetings, it was essential to adopt a set of generic Standing Orders that applied by default to all tripartite meetings convened by the Governing Body. His group agreed with the distinction drawn in the proposed Standing Orders between technical meetings and meetings of experts. It also acknowledged the formal role granted to the IOE and the International Trade Union Confederation (ITUC) as secretariats of the Employers' and Workers' groups, respectively.
- 247.** However, it was of grave concern to the Employers' group that the general principles of balance between the three groups, which was the essence of tripartism, and of the efficiency of deliberations were inadequately reflected in the detail of the different provisions. While there was a need to involve all interested constituents, particularly Governments, that must not result in meetings that were not operational due to an unlimited number of participants, or be sought at the expense of a balanced composition of Employers, Workers and Governments. The general principles of balance in the composition of meetings and efficiency in their deliberations should therefore be included in the Standing Orders. For reasons of efficiency, it was critically important that meetings of experts should be, by default, closed to the public. Any outcomes of such meetings should be endorsed by the Governing Body and thus made public.
- 248.** His group was opposed to the attendance at meetings of unlimited numbers of observers. In the specific case of meetings of experts, numbers of observers should, by default, be restricted. The same applied to advisers. His group did not support the assigning of advisers to experts, who, by definition, should not require them. The composition of subsidiary bodies should also be limited, in order to avoid too many participants intervening in drafting committees.
- 249.** His group was willing to allocate more time to the issue in order to achieve consensus, adopting a common-sense approach that would accommodate different concerns.
- 250.** *The Worker spokesperson* said that she appreciated the informal consultations held. With respect to the purpose and formats of meetings, as set out in the Introductory Note, she requested that both the notion of technical meetings and that of meetings of experts should

include sectoral meetings. Her group agreed that the duration of meetings should, in principle, be five days.

- 251.** Participation was the most contentious area. For both technical meetings and meetings of experts, it was essential to ensure balance across the three groups and the efficiency of deliberations. In the case of technical meetings, observers could be allowed to attend, but they must be limited in number to maintain balance. That principle needed to be reflected in the Standing Orders for both formats of meetings. Meetings of experts should have no observers and no advisers. Advisers should be permitted to attend technical meetings only, and limited to one per delegate. Advisers should only intervene or vote in the absence of the delegate and with the delegate's prior authorization. Subsidiary bodies should be composed of small and equal numbers of participants from the three groups, with no observers, and they should be closed to the public. Any observers should have the possibility to intervene only once, during the opening session of the meeting. Additional interventions should be subject to the agreement of the Officers and should be an exception.
- 252.** The careful selection of Government representatives for technical meetings and of experts for meetings of experts was important, in particular the selection of experts in accordance with the criteria listed in paragraph 13 of the proposed Introductory Note. Technical meetings should be public; however, meetings of experts should not. Subsidiary bodies should never be public or open to observers. The Workers' group supported the proposed principles regarding group secretariats.
- 253.** As to reports and draft outcome documents, her group supported the principles outlined in the appendix and would encourage the Office to make such documents available as early as possible. Her group agreed with the various possible outputs outlined and supported the adoption without amendment of such documents by the Governing Body. The Workers' group found the principles underlying notes on proceedings to be acceptable but requested the Office to ensure that any comments on these notes were coordinated through the Workers' group secretariat.
- 254.** As the Workers' group had concerns with articles 4, 5, 8, 9 and 13 of the proposed Standing Orders for technical meetings and with articles 4, 5, 8, 9 and 12 of those for meetings of experts, it was not in a position to support the adoption of the draft decision. The group would prefer to finalize discussion on the principles and then consider the Standing Orders for both formats of meetings.
- 255.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that the review and revision of the Standing Orders were essential to ensuring that meetings under the aegis of the ILO were conducted in a manner that was inclusive and transparent for all Members. Despite the progress made in the recent consultations, his group still had a number of concerns regarding the proposed Standing Orders, particularly with regard to restrictions on the participation of governments in certain meetings. The revised Standing Orders should be established with full tripartite support; that was fundamental to ensuring the effectiveness, efficiency and legitimacy of the process. The review process should deliver Standing Orders that would cater to the needs of all constituents. As the proposed text was not sufficiently well developed to provide the structure of governance required, his group needed more time to reflect on the issue with the other two groups. The discussion should therefore be deferred to the March 2018 session of the Governing Body, and he proposed a revised draft decision to that effect.
- 256.** *Speaking on behalf of the Africa group*, a Government spokesperson of Namibia said that his group supported the continuation of sectoral meetings and meetings of experts but agreed that further discussion of the matter should be deferred to the March 2018 session of the Governing Body.

257. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that, as the divergence of opinion was still quite significant, he agreed that it would be beneficial to defer the matter until the March 2018 session of the Governing Body. The Office would be available to facilitate consultations, of which tripartite consultations – in not too big a room – would be an essential component.
258. *The Worker spokesperson* said that her group supported the proposal to defer the discussion and stood willing to seek a solution that would be supported by all groups.
259. *The Employer spokesperson* said that his group also supported deferral of the item.

Decision

260. *The Governing Body decided to defer the decision on this agenda item to its 332nd Session (March 2018) and requested the Director-General to facilitate tripartite consultation to help broker a consensus-based decision at the next session.*

(GB.331/INS/7, paragraph 8, as amended.)

Eighth item on the agenda

Proposal for an integrated policy outcome reporting within the framework of the four strategic objectives (GB.331/INS/8)

261. *The Worker spokesperson* said that the integrated policy outcome reporting proposed in the document could indeed help strengthen synergies between the four strategic objectives. However, a reduction in the number of reports could lead to a reduction in the quality of reporting. An alternative option would be to integrate the four strategic objectives within each of the ten outcomes; in other words, to produce ten reports on outcomes, with four integrated sections on objectives.
262. The Workers' group fully supported the proposal to integrate the four cross-cutting policy drivers in the reports. The suggestion to integrate the follow-up to plans of action based on resolutions of recurrent discussions at the Conference would be useful for coherence, but might be overly ambitious in practice, particularly in view of the page limits for Governing Body documents. There was a risk that the information provided would be too superficial to provide the Governing Body with a full understanding of activities and how they contributed to the four strategic objectives. Her group's preference was therefore to have separate reports and agenda items.
263. If it was decided to proceed with a cycle of four reports, the Workers' group agreed that social security and labour protection should be two sub-items on the agenda of the Governing Body. The proposed sequencing of the reports could be better linked to the cycle of the recurrent discussions, starting with social dialogue and tripartism in March 2018 to feed into the Conference discussion in June that year. The logic of including reviews of other follow-up action was understandable, but could also compromise the depth of the analysis.

- 264.** She asked the Office to clarify how the Governing Body would receive all the necessary information under the proposed framework, and requested the Governing Body to consider limiting the pilot phase to a single report, to be evaluated at the March 2018 session. She asked the Office how it proposed to review the results of the two-year pilot at the November 2019 session of the Governing Body, when the last integrated report, on employment, would also be on the agenda.
- 265.** *The Employer spokesperson* said that his group was unconvinced that the proposed new reporting framework would enable the Governing Body to better assess the relevance and effectiveness of ILO actions. The Governing Body already used the programme and budget discussion and the implementation report as governance tools, and the Employers' group hoped that its request for a financial report detailing the actual allocation of funds would also be granted. Furthermore, the recurrent discussions in the follow-up to the Social Justice Declaration had a strengthened governance role.
- 266.** As past Governing Body discussions on the eight areas of critical importance and 19 outcomes had not been particularly productive, there was no strong rationale to focus policy outcome reporting on the four strategic objectives, and the proposed reviews would not generate useful policy lessons for leveraging synergies among the objectives. As the Social Justice Declaration recognized that the four strategic objectives were inseparable, interrelated and mutually supportive, a fragmented discussion across four Governing Body sessions did not seem appropriate.
- 267.** Before adopting any new reporting procedure, the Governing Body should evaluate its current way of working. The implementation report produced at the end of each biennium could be better presented and discussed so that the lessons learned would feed into the proposals for the next programme and budget preview and subsequent proposals, and would enhance organizational effectiveness and responsiveness to members. If produced sufficiently in advance, the implementation report would provide the Office with the information it needed to prepare for the recurrent discussions. The Governing Body also needed to devote sufficient time to the discussion at each of its sessions. To be able to better guide the Office, the Governing Body needed better information in other areas, such as how to bring better governance to flagship and action programmes. As his group found neither the new proposal for outcome discussions nor the status quo satisfactory, it would welcome an independent assessment of the impact of the Governing Body's discussion on outcomes. It would be important to discuss the implementation report beforehand at the March session and consider the lessons learned before proceeding.
- 268.** *Speaking on behalf of the Africa group*, a Government representative of Morocco said that the proposed new reporting framework was appropriate, because it focused on the progress of the implementation of the four strategic objectives of the Social Justice Declaration and the corresponding action taken by the Office and constituents. The reduced number of reports would facilitate the assessment of progress achieved. Furthermore, it would generate useful policy lessons on leveraging synergies among the strategic objectives to assist member States in prioritizing efforts to advance decent work in an integrated way. The Africa group emphasized the Office's key role as an interface between the four strategic objectives with a view to ensuring effective progress, and in building constituents' reporting capacities so that they could keep the ILO informed of their progress in the activities to implement the strategic objectives.
- 269.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the objective of the proposal was to improve both the quality and the relevance of outcome reporting, because the Screening Group had requested the Office to develop a new reporting framework based on a strong rationale. However, the Office had not considered the possibility that the Screening Group might support no reporting beyond the implementation

report as an option. Serial outcome reports did not allow the Office to present its work in an integrated manner that related to the Organization's broader objectives. Therefore, rather than moving from ten reports to four that merely listed all of the activities in each outcome under one strategic objective, the proposal was to prepare in-depth, cross-cutting reports to enable the Governing Body to better assess progress. For example, the Office could show what aspects of the work on the informal economy related to the strategic objective of social protection, how ILO activity in the world economy promoted full employment, or how the work on the enabling environment for sustainable enterprises promoted social dialogue. She did not believe that any quality would be lost in the process. The Office was open to shortening the two-year pilot, and would provide an evaluation of the pilot in consultation with constituents. The form of reporting proposed would add a new type of analysis and would respond to the Screening Group's request. Furthermore, the lessons learned in pursuing one strategic objective could translate into work on others. As to the Employers' request for an independent assessment, that could prove difficult while the Office was simultaneously continuing its reporting. As to the Workers' proposal to begin the reports with social dialogue at the March 2018 session of the Governing Body, she noted that the Conference report was already being prepared, therefore the timing would not be synchronized; furthermore, a discussion in March 2018 might pre-empt the Conference discussion in June 2018.

- 270.** *The Director-General* said that it was clear that the proposal, which had resulted from discussions with the Screening Group, did not enjoy sufficient support in the Governing Body for the Office to proceed. He therefore suggested that the issue should be returned to the Screening Group to come up with another proposal; the item would then be placed on the agenda of the Governing Body at its March 2018 session.
- 271.** *The Worker spokesperson* thanked the Office for alleviating some of her group's concerns. The Governing Body should take the time to consider the matter in depth to arrive at a sound decision that enjoyed widespread support.
- 272.** *The Employer spokesperson* clarified that he was not suggesting eliminating reporting, merely fine-tuning it. He agreed with Director-General's proposal to return the matter to the Screening Group.
- 273.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that, given the many and diverse views on the approach to be taken with regard to reporting to the Governing Body, it was evident that there was a need for clarification of the Screening Group's intention and for further consultation with the three groups. The Office had accordingly prepared a new draft decision, deferring the matter to a future session of the Governing Body.

Decision

- 274.** *The Governing Body decided to defer consideration of an integrated policy outcome reporting to further consultations, taking into account the views expressed at its 331st Session.*

(GB.331/INS/8, paragraph 16, as redrafted in light of the Governing Body discussion.)

Ninth item on the agenda

Partnership and Policy Coherence Strategy (GB.331/INS/9)

- 275.** *The Employer spokesperson* said that paragraph 15.6(g) of the 2016 resolution on Advancing Social Justice through Decent Work, which concerned further engagement with the private sector, should be reflected in any future strategy for promoting decent work through partnerships and policy coherence, so that the Office could give effect to the Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in 2007. The correlation between social and economic progress, mentioned only in paragraph 1 of the document, was insufficiently examined; policy coherence required not only embedding social and employment goals in broader economic policy formulation, but also taking economic policies into account in setting such goals. The Office should explain how it planned to address the failure to systematically engage employers' and workers' organizations in many countries.
- 276.** In the Office's dealings with international and regional economic, financial and trade institutions, not only decent work but also inclusive growth should be promoted. It was important to recognize the core principles of other organizations in order to facilitate constructive dialogue. He did not agree that new and non-standard forms of employment were precarious and constituted decent work deficits; moreover, he doubted that those views were shared by the OECD, the International Monetary Fund (IMF) or the World Trade Organization (WTO). Discussions with those organizations should not be based on predetermined solutions or incomplete interpretations of globalization; they should be inspired by the Declaration of Philadelphia and the Social Justice Declaration and should reflect the tripartite nature of the ILO.
- 277.** The section of the document on "key elements" did not set out the Office's position on the UN Secretary-General's recent report, *Repositioning the United Nations development system to deliver on the 2030 Agenda: Ensuring a better future for all*, and the proposed framework for engagement did not constitute a coordinated operational strategy and was unlikely to achieve its goals. The Office should explain whether the Director-General's written statements presented during high-level dialogues with, among other things, the G20 and BRICS (Brazil, Russian Federation, India, China and South Africa) processes were made on behalf of the Office or the Organization; in the latter case, they should be subject to constituent approval. The Director-General should also use his new position as Chairperson of the UN High-Level Committee on Programmes (HLCP) to influence policy implementation. Discussions with the main international and regional organizations on policy and research should be held on a more regular basis. They should focus not only on the promotion of decent work but also on its compatibility with economic and financial policies, and they should lead to realistic joint action. The Office should explain what was meant by "testing" an integrated approach in a few countries, which countries it wished to target and why; and it should clarify how it planned to focus both on the four strategic objectives and cross-cutting objectives of the Decent Work Agenda and on a single priority issue, such as employment.
- 278.** In summary, the document was overly brief and lacked an in-depth analysis in terms of concept and implementation based on realistic proposals. In particular, the section entitled "Going forward" should have set out mechanisms for further action. He therefore requested the Office to submit to the Governing Body at its March 2018 session a new document reflecting his group's concerns.

279. *The Worker spokesperson* said that the mandate of the ILO on policy coherence was grounded in the Declaration of Philadelphia and reaffirmed by the Social Justice Declaration. The question was therefore not whether the ILO had a mandate to promote policy coherence but rather how to ensure that all organizations of the multilateral system promoted inclusive growth and decent work. Major challenges remained, stemming from the lack of coherence within governments and the resistance of international financial and economic institutions. Those institutions often advocated policies that were counter to the ILO mandate and relevant international labour standards. The IMF, for instance, was promoting social protection strategies that were not rights-based and went against the universal coverage advocated by ILO standards. The ILO should be proactive in assessing how international financial and economic policies were related to the goal of social justice and decent work, and take a firm position in defence of its mandate.
280. Important differences of opinion continued to exist over the details of the economic, social and environmental policies required to achieve SDG 8. Another challenge was to ensure that policies promoted an integrated, comprehensive and coordinated approach to the four pillars of decent work. The exclusion of social partners from the development of national economic and employment policies led to lost opportunities to engage in dialogue with stakeholders from the world of work and thus facilitate policy implementation and ownership.
281. With regard to the first key element of the strategy, high-level dialogues, the ILO should participate actively in critical debates at the global, regional and national levels. Through its involvement in the G20 and similar processes, it could challenge organizations whose policies failed to promote decent work, inclusive growth, international labour standards and ILO values.
282. Enhancing ILO work at the country level, another element of the strategy, was a key priority for her group. The ILO should be ready to provide integrated and rights-based policy advice based on the four dimensions of decent work; it should advise governments on how wages, social protection, collective bargaining and other labour market policies could reduce inequality; and it should advise constituents on pro-employment macroeconomic policies and how labour rights could be promoted to ensure that economic development went hand in hand with social progress. Those issues should be made more explicit in the strategy.
283. The promotion of greater policy coherence for decent work at the country level was indeed an ambitious undertaking. Nonetheless, the Office should, as a matter of urgency, start pilot implementation of such approaches with the involvement of the tripartite constituents, all relevant ministries and regional and international organizations. It would be crucial to ensure that the social partners were involved in the selection of pilot countries. In setting up such country programmes, lessons learned from previous experiences would be useful.
284. *Speaking on behalf of ASPAG*, a Government representative of China said that ILO collaboration with other international and regional organizations and mechanisms had been constructive, judging by its contribution to many international platforms and the integration of decent work into the 2030 Agenda. His group supported the proposal to adopt a three-pronged approach to promote the Partnership and Policy Coherence Strategy. It also supported the draft decision.
285. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom welcomed the document's recognition that the strategy should take into account the discussions related to the UN Secretary-General's report on repositioning the UN development system to deliver on the 2030 Agenda, as well as his further report expected by the end of 2017. Noting that the strategy focused on cooperation with international and regional economic, financial and trade institutions, IMEC would have

appreciated the inclusion of ILO plans for partnership with other parts of the UN system, the private sector, academia and non-governmental organizations (NGOs).

- 286.** With regard to the first element of the strategy, IMEC welcomed the Director-General's participation in high-level dialogues, ILO collaboration with processes and entities such as the G20, G7, World Bank and the OECD, and the Director-General's appointment as Chairperson of the UN HLCP. On the second element, she expressed appreciation of the Office's acknowledgement that the ILO could and should do more to implement regular and better-coordinated research and technical discussions with other international organizations. On country-level collaboration, she would be interested to learn how soon the pilots could be launched and when their effectiveness would be evaluated. At its March 2018 session, the Governing Body should be briefed on how the Office viewed the Secretary-General's emerging priorities in the UN reform process and how it proposed to apply the relevant elements. IMEC supported the draft decision.
- 287.** *Speaking on behalf of the Community of Portuguese-speaking Countries (CPLP)*, a Government representative of Brazil, noting UN General Assembly Resolution 71/324 on cooperation between the United Nations and the CPLP, said that the ILO could substantially contribute to effective implementation of the 2030 Agenda. It could leverage its extensive network of field offices and its accumulated expertise and partnerships in research to participate effectively in discussions on reform of the UN development system. To ensure timely attainment of the targets in the 2030 Agenda, the ILO should step up its technical assistance and the sharing of best practices. It should also strengthen social transformation activities, especially in the fields of education and training, health at work, transfer of technology and the promotion of gender equality. Moreover, it should promote women's empowerment, decent work and formal employment, devote efforts and resources to youth employment, and combat precarious work in rural areas. The CPLP welcomed ILO efforts to join multi-stakeholder partnerships, seek high-level global dialogue on economic and social issues, improve research and technical cooperation with global partners, and strive for more integrated, coherent and interdisciplinary ILO action at the national level to develop the Decent Work Agenda and achieve the SDGs.
- 288.** *Speaking on behalf of the Africa group*, a Government representative of Chad said that decent work deficits were clearly destabilizing sustainable development. Accordingly, member States should ensure full and productive employment and decent work for all, as called for by SDG 8 and in accordance with the Social Justice Declaration. That required multilateral cooperation, notably with financial and economic partners at the national, regional and international levels. For such cooperation to succeed and contribute to decent work, it must be guided by coherent policies and underpinned by regular and constructive dialogue. The Africa group supported the draft decision.
- 289.** *A representative of the Director-General* (Director, Multilateral Cooperation Department (MULTILATERALS)) said that the document reflected the request of member States to concentrate on concrete activities at the national level. Accordingly, it highlighted national-level cooperation with financial, economic, international and regional institutions. Once cooperation frameworks had been established with specific organizations in specific countries, the outcomes and impacts of those activities would be monitored.
- 290.** Responding to the comment made by the Employer spokesperson concerning paragraph 15.6(g) of the 2016 resolution on Advancing Social Justice through Decent Work, he wished to confirm that private sector involvement and the role of enterprises in fostering inclusive growth were already fully covered in the Enterprises Initiative, and they were also an integral part of the strategy. As noted in paragraph 11 of the document, policy coherence entailed considering the views of both parties and striking a balance through constructive dialogue. UN reform was not on the agenda of the session; following publication of the

Secretary-General's second report at the end of the year, it would be discussed at the Governing Body session in March 2018. Regarding policy coherence activities with other parts of the UN system, the private sector, academia and NGOs, it was stressed that many partnerships of this kind were being developed by the ILO as part of the 2030 Agenda implementation.

- 291.** It was still too early to define country-level activities, although they were expected to cover the areas highlighted by the tripartite constituents. With regard to the choice of pilot countries, one option could be to select one country per region where workers and employers made a significant contribution to the economic and social debate, and where there were real opportunities for cooperation with global and regional financial institutions. That would be discussed internally with the regional directors, ACTRAV and ACT/EMP, on the basis of the Governing Body's guidance. While it was also early to determine the time frame, activities could start in 2018 and be implemented over a two-year period.
- 292.** It could be said that a certain degree of global coherence, or even convergence, was emerging on issues such as inequalities. However, there were still areas where major policy divergences could be found, such as in the area of social protection where the 2017 evaluation report by the IMF was not in line with the Social Protection Floors Recommendation, 2012 (No. 202), and SDG target 1.3. Beyond policy coherence among international organizations, policy coherence at the national level should also be encouraged. In that regard, the 2030 Agenda was the ideal mechanism for fostering policy coherence at the national and global levels.
- 293.** *The Employer spokesperson* welcomed the clarifications provided by the Office, which had addressed his concerns, but reiterated that the strategy should be redefined and made clearer, more specific and, above all, operational, to ensure that the ILO did not subordinate its mandate to that of the organizations with which it engaged in dialogue. The question of selection of pilot countries should be analysed in greater detail.
- 294.** *The Worker spokesperson* welcomed and fully shared the views of the Employers.

Decision

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

- (a) take into account its guidance in relation to the proposed strategy for promoting decent work through partnerships and policy coherence;*
- (b) take the necessary action towards its implementation.*

(GB.331/INS/9, paragraph 27.)

Tenth item on the agenda

Review of the implementation of ILO–ISO agreements (GB.331/INS/10)

- 296.** *The Chairperson*, introducing the document, said that publication of the ISO international standard, ISO 45001, on occupational health and safety management systems was currently expected at the earliest by the end of March 2018, since the ISO would organize a ballot vote

of its members on the Final Draft International Standard. With regard to the draft decision, in the light of the report on the pilot implementation of the 2013 Agreement between the ILO and the ISO, two options were presented in paragraph 26 of the document: the first sought to modify the 2013 Agreement; and the second to terminate it forthwith. A consequence of terminating the 2013 Agreement would be the ILO's withdrawal of its liaison status in the work on ISO 45001. Paragraph 27 would operate as an exception to the provision in paragraph 26 to refrain from future cooperation with the ISO, since collaboration on social responsibility had already begun under the Memorandum of Understanding between the ILO and the ISO in the field of social responsibility, concluded in 2005 (2005 MoU). Since the ISO had unilaterally terminated the 2005 MoU, effective 3 January 2018, the draft decision provided the possibility of applying the terms of the expired 2005 MoU to future ILO participation in ISO's work in that field.

- 297.** *The Employer spokesperson* said that from the outset his group had not been in favour of the ISO's initiative to draw up ISO 45001, as it interfered with legislative and collective bargaining competences and added a new layer to the multiplicity of existing instruments, increasing the burden for companies. One of the fundamental features of the ISO's work, particularly on management systems, was that it did not link to compliance with legally binding requirements. Since the drafting of that standard was an ISO process, it could not be expected to include all of the ILO's provisions related to OSH.
- 298.** The Office had participated in ISO meetings on behalf of the ILO, authorized by the Governing Body. The IOE had also been involved in the ISO 45001 drafting process and had not always aligned itself with the Office's position. ISO management system standards were not appropriate instruments for addressing the issue of workers' participation rights, which remained the prerogative of legislators and social partners. Nor was it appropriate to insist that each employee be involved in all areas of an OSH management system. It would be challenging and costly for SMEs to understand and implement ISO 45001, even though they would be under pressure from their customers to obtain certification. His group supported the proposal, set out in paragraph 12, to assess the extent to which the objectives of the ILO's *Guidelines on occupational safety and health management systems, ILO-OSH 2001* (ILO-OSH-MS Guidelines) had been achieved.
- 299.** The Employers acknowledged the Office's report that its participation in the development of ISO 45001 had had limited impact and was resource intensive, and that the outcome of the pilot implementation had been quite unsatisfactory. In that light, the Office should proceed with termination of the 2013 Agreement; the envisaged public statement should increase awareness of the implications of ISO private standardization in fields relevant to the work of the ILO and to the social partners.
- 300.** His group was concerned about the ISO's ongoing standardization on other subjects potentially relevant to labour or social policies in the remit of the social partners. While the ISO was effective in convening small expert groups to address discrete technical issues, its model and membership were not appropriate for addressing larger social issues that required truly representative processes for balancing the competing interests of different stakeholders. The ISO and the ILO had different roles, and the ISO was not equipped with the mandate, the representation, the necessary expertise, or the capacity to establish and interpret new standards on social responsibility. While welcoming the rejection of the ISO's proposal to create a new technical committee on social responsibility, his group was concerned that the ISO member that had submitted the proposal believed a future one would succeed. Given the unlikelihood that the ISO would agree to apply the terms of the 2005 MoU in the field of social responsibility, participation by the ILO in any future ISO activity should not be pursued.

- 301.** With regard to the draft decision, the Employers' group supported paragraph 26(a), on the understanding that the ILO policy position on ISO 45001 took account of the Governing Body's guidance. It also supported option 2 in paragraph 26(b) and both parts of paragraph 27.
- 302.** *The Worker spokesperson* said that the ISO's increasing activity in fields within the remit of labour regulation was of concern because its standards were developed through non-transparent and unrepresentative processes that included many private auditors and consultants but without a balanced representation of employers, governments and workers, with workers in particular severely unrepresented. The fact that the ISO continued to consider that the 2013 Agreement did not require ISO standards to defer to international labour standards in cases of conflict was also of concern and was indeed inconsistent with the language of the 2013 Agreement.
- 303.** ISO 45001 contained a welcome leading role for the participation and consultation of workers and their representatives in an occupational health and safety management system, as well as positive safeguards for workers on irregular contracts; those features could be seen as the major contribution from the ILO's hard work. However, her group had noted with regret that ISO 45001 would provide lower standards of protection for workers on significant OSH principles concerning removal from situations of imminent and serious danger and the availability of necessary equipment and safety and health training without cost to workers. The critical provisions that had been excluded from ISO 45001 were included in the Occupational Safety and Health Convention, 1981 (No. 155), had improved labour legislation in many countries, and had been transposed in the EU's Framework Directive 89/391/EEC, which was one pillar of the European social model. It was clear that, as explained in the Office document, the impact of the ILO's interaction as a liaison organization had been limited.
- 304.** The Workers' group supported the proposal to authorize the Director-General to issue an ILO policy position on ISO 45001 that would clarify the respective functioning of the ILO and the ISO standards pertaining to OSH management systems. Her group also supported further promotion of the ILO-OSH-MS Guidelines; in the light of developments within the ISO, urgent consideration should be given to updating those guidelines. The ILO should enhance its work on the promotion of safe and healthy working conditions and, in so doing, actively promote the ratification and implementation of ILO OSH standards, starting with Convention No. 155.
- 305.** Her group had noted with great concern that the pilot implementation of the 2013 Agreement had shown that its aims were very far from being achieved, such as avoiding that the ISO's standards conflicted with international labour standards and that the ILO received advance notice of ISO proposals that could address ILO issues. In addition, the ISO had refused to distribute the joint ITUC-IOE letter opposing proposals to establish a new technical committee and to revise ISO 26000 on social responsibility, which it should have distributed pursuant to the 2005 MoU. She called on governments to recommend that national standardization bodies voted against the proposal to revise ISO 26000, given that a decision on the matter was to be taken in February 2018.
- 306.** The Workers' group supported the adoption of paragraph 26(a), the second option under paragraph 26(b), and paragraph 27(a). If the Governing Body agreed to the second option under paragraph 26(b), it was her understanding that paragraph 27(b) would fall.
- 307.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that it was regrettable that the ISO had disregarded clear ILO guidance during the development of ISO 45001 and that the standard would, as a result, allow for the certification of organizations that did not provide workers with vital OSH protections. The 2013 Agreement

had proved insufficient to guarantee the ILO its due influence in ISO processes. He urged the Director-General to issue an ILO policy position or declaration of principles that would make clear, *inter alia*: the ILO's competency in matters regarding labour standards, particularly those pertaining to OSH; the danger of bodies such as the ISO leaving workers unprotected, despite the existence of international labour standards concluded by tripartite consensus; and the ILO's rejection of standards that were in conflict with its instruments.

308. GRULAC supported taking further action to ensure that the objectives of the ILO–OSH–MS Guidelines were achieved. All member States should be aware that ISO 45001 could in no way replace or amend those guidelines. While the ILO should continue to be active in the international arena to ensure that other public and private bodies were acting in conformity with ILO standards, it should not seek to renew collaboration with the ISO without adequate safeguards being in place to ensure the respect of ILO standards. Without such safeguards, other bodies might unjustifiably claim that the ILO legitimized their activities. In the light of the above, and given that the ISO had also failed to comply with the 2013 Agreement on a number of occasions, his group believed that the ILO should refrain from further cooperation with the ISO at the current time.
309. His group found it regrettable that the ISO had proposed to revise ISO 26000 without the agreement of the ILO and with the ISO's termination of the 2005 MoU. Regarding the draft decision, GRULAC supported the adoption of paragraph 26(a), the second option under paragraph 26(b), and paragraph 27(a) and (b).
310. *Speaking on behalf of the Africa group*, a Government representative of Chad said that the work of the ISO should not be in conflict with public policies, regulations and international treaties, which fell under the remit of governments or treaty organizations. The ISO should also refrain from developing standards that were in conflict with those of the ILO or that called into question the ILO's authority and mandate. With regard to the draft decision, his group supported the second option under paragraph 26(b).
311. *Speaking on behalf of IMEC*, a Government representative of France said that he was alarmed by the fact that ISO 45001 would lower OSH standards in relation to certain important principles of international labour standards and would permit the certification of organizations that did not adequately protect workers. Also of concern was the ISO's failure to give due consideration to the drafting proposals made by a number of national standards bodies that supported international labour standards. The Office should provide additional information on the resources required for the participation of the ILO in the ISO Project Committee (PC) responsible for drafting ISO 45001 (ISO/PC 283). Compliance with ISO standards was voluntary, and any instrument related to OSH must provide for effective, proportionate risk management and be adapted to the organizations concerned. IMEC had doubts as to the wisdom of a continued partnership between the ILO and the ISO and would welcome further information from the Office. With regard to the draft decision, he supported the position set out in paragraph 26(a) and both parts of paragraph 27.
312. *A Government representative of Switzerland*, supporting the IMEC position, added that recent developments with regard to the potential revision of ISO 26000 showed how difficult it was to ensure that the positions of the ILO, international social partners and national stakeholders were taken into account; clearly, the proposed revision did not have the support of the majority, and the ILO should not participate in future work on the standard. The ISO's unilateral termination of the 2005 MoU showed that it did not wish to pursue collaboration with the ILO. Indeed, the 2005 and 2013 accords had not been respected. For those various reasons he endorsed the second option in the draft decision and considered that the ILO should end its participation in work related to ISO 26000.

- 313.** *A representative of the Director-General* (Deputy Director-General for Policy) said that pilot implementation of the 2013 Agreement had shown that the difficulties in collaboration were both substantive and procedural. At the heart of the matter, the ILO and the ISO disagreed as to whether international labour standards, as the source of reference in areas of conflict, would form the floor of relevant ISO standards or whether the ISO simply needed to consider international labour standards in developing its own standards. In some cases, the ILO had succeeded in raising the level of protection offered by ISO 45001, but in many cases it had been unable to do so because, while many national standards bodies had supported the Office's work, the ISO Central Secretariat and the committee leadership had not given its views, the audience, or the attention envisaged in the 2013 Agreement.
- 314.** While the ISO was currently addressing many issues on which the ILO had been working for decades, such as procurement systems and human resources management, neither the substantive nor the procedural issues were likely to improve with further engagement between the two organizations. In practice, not partnering with the ISO would mean that lower ISO standards would have a negative effect on ILO standards, but it would be hard to mitigate that problem due to the obstacles to influential partnership.
- 315.** If the partnership was terminated, the ILO would still receive information on some of the standards on the ISO's agenda, but no action on the Office's part would be required. It was difficult to quantify the resources expended on cooperation with the ISO in the pilot, but preparation for and participation in the six-week meetings and follow-up consultations had been labour intensive.
- 316.** The developments on ISO 26000 during the period covered by the pilot permitted a full decision in context and the topic of social responsibility was important to member States. Disagreement with the ISO as to the terms of the ILO's engagement in ISO's ongoing work on social responsibility had arisen almost immediately, and the decision point on the matter was not requesting authority for the Office to enter into negotiations on the matter.
- 317.** *Speaking on behalf of IMEC*, a Government representative of France said that his group would support the consensus view of the Governing Body with regard to the draft decision.
- 318.** *The Worker spokesperson* said that her group was not against the approach set out in paragraph 27(b) in principle but saw the idea as very difficult to put into practice.
- 319.** *The representative of the Director-General* (Deputy Director-General for Policy) said that the Office had already explored with the ISO the meaning of the 2005 MoU and the question of whether it should apply to the new initiative on social responsibility. Paragraph 27(b), if adopted, would mean that if an opportunity arose to engage in that initiative, the Office would do so on terms similar to those set out in the 2005 MoU, but it would not actively seek to participate in it.

Decisions

- 320.** *In the light of the outcome of the ILO's pilot implementation of the 2013 Agreement between the International Labour Organization (ILO) and the International Organization for Standardization (ISO), the Governing Body:*
- (a) *authorized the Director-General to issue an ILO policy position on ISO 45001 on occupational health and safety management systems in order to clarify the functioning of international labour standards and other ILO action relevant*

to occupational safety and health management systems and the respective roles of the ILO and the ISO in this field;

- (b) requested the Director-General to terminate the 2013 ILO–ISO Agreement, refrain from further cooperation with the ISO until further notice and, after consultation with the Officers of the Governing Body, issue a public statement explaining the reasons for termination.*

321. *As to ILO participation in any future ISO Technical Committee on social responsibility or revision of ISO 26000, the Governing Body:*

- (a) noted with regret the ISO’s decision to unilaterally terminate the 2005 ILO–ISO Memorandum of Understanding (MoU) for standardization in the field of social responsibility, with effect as from 3 January 2018;*
- (b) authorized ILO participation in any future ISO activity in the field of social responsibility and/or revision of ISO 26000 in the event that the ISO should decide to move forward on either proposal, solely and strictly on the condition that the ISO will have agreed to apply the terms of the 2005 ILO–ISO MoU in relation to further activity in social responsibility therein, under the same conditions that the ISO applied to the development of ISO 26000, including with regard to ILO participation in ISO leadership structures.*

(GB.331/INS/10, paragraphs 26 and 27.)

Eleventh 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.331/INS/11](#))

322. *A representative of the Director-General (Deputy Director-General for Management and Reform) said that, regrettably, the current situation was not as positive as hoped. Despite the Office’s efforts, the Government of Myanmar had indicated that it was not yet prepared to renew the Memorandum of Understanding and the Action Plan for the Elimination of Forced Labour. As a result, when the current Supplementary Understanding expired on 31 December 2017, there would be no formal mechanism for addressing forced labour in Myanmar. That was a great disappointment and a serious concern, and would have major implications for the ILO’s capacity to deal with the ongoing problem. Despite progress towards establishing a DWCP for Myanmar, in which the elimination of forced labour was a core component, the lack of a formal framework brought the finalization and implementation of that DWCP into question. The seriousness of the current situation could not be understated. Moreover, the ILO’s plans to consider the integration of its activities in Myanmar into the structure of the Asia and the Pacific Region would need to be reviewed in the light of recent developments.*

323. *He therefore proposed that paragraph 35(e) of the draft decision should be amended to read: “requests the Director-General to report on forced labour cases received by the ILO at each future Governing Body session and to provide a comprehensive update on further progress*

to the 332nd Session of the Governing Body in March 2018”. As forced labour continued to be of concern in Myanmar, the Governing Body should remain apprised of any such cases, until such time as an agreement could be signed reinstating the agreed mechanisms for tackling the problem. He expressed the hope that the Office would be in a position to report on positive progress at the 332nd Session of the Governing Body.

324. *A Government representative of Myanmar* said that, since the new democratic Government had taken office in April 2016, cooperation with the ILO had continued and progress had been made under the four pillars of the Framework for ILO Engagement in Myanmar 2016–17. While peace and national reconciliation were his Government’s highest priorities, full attention was being given to the social and economic welfare of workers. Recognizing the pivotal role of workers in national development, the Government was working to enhance tripartite efforts in the country and promote harmony in relations between employers and workers. He highlighted efforts in the areas of labour legislation reform and skills development, as well as the establishment of a labour exchange office for migrant workers at Yangon international airport, the implementation of the Myanmar Programme on the Elimination of Child Labour and the provision of social protection and health care, with the cooperation of the ILO and development partners.
325. Myanmar had made significant progress towards the elimination of forced labour in recent years, thanks to joint efforts by the Government, all stakeholders in the country and the ILO. Noting that raising public awareness of forced labour was instrumental to that progress, he said that 140 talks and training sessions had been held since 2012 and 150 billboards had been erected. Myanmar was also committed to addressing the problem of under-age recruitment, with 429 perpetrators being punished under the Penal Code and Defence Services Act by August 2017. In addition, 8,998 seminars on forced labour and under-age recruitment had been conducted in military establishments between 2012 and 2017.
326. The Technical Working Group on Labour Law Reform had held substantive discussions on the amendment of three priority laws. A motion to amend the Settlement of Labour Disputes Law had been submitted to Parliament on 1 November 2017. With regard to the Employment and Skills Development Law, new terms and conditions for employment contracts had been agreed in July 2017 by the National Tripartite Dialogue Forum – which had been functioning well – and had been disseminated to all establishments with more than five workers. Paragraph 19 of the document adequately reflected the increasing number of labour organizations being registered in Myanmar.
327. Technical and financial assistance from the ILO had helped to establish a database on the labour force, child labour and school-to-work transition survey in 2015, which facilitated policy-making and planning in Myanmar. Similar assistance would be required for another survey on labour demand. Myanmar was a beneficiary of the ILO’s Global Flagship Programme on Building Social Protection Floors for All. As a result, the Government had launched maternal and child cash-transfer programmes in two states and one self-administered zone and was providing a monthly pension of 10,000 Myanmar kyats (MMK) for persons over the age of 90 years.
328. Recognizing that many children contributed to families’ daily subsistence, a national committee had been created to develop a national strategy and action plan to eliminate child labour. A list of hazardous workplaces and activities had already been created. A draft law in line with the Minimum Age Convention, 1973 (No. 138), had been submitted to Parliament.
329. Renewing the Memorandum of Understanding and the Action Plan for the Elimination of Forced Labour remained a priority for the Government of Myanmar. It was regrettable that the Government had needed more time to make adjustments to the Action Plan and clarify

some wording in order to satisfy the concerns of stakeholders. He was confident that an agreement would be reached soon. Myanmar had been on the ILO's agenda for too long, and it was time for a new level of cooperation. He looked forward to the launch of the DWCP and the establishment of a country office. Lastly, he expressed his appreciation to the Office for the sincere efforts to reach an agreement.

330. *The Worker spokesperson* said that she was deeply disappointed about the continued deadlock with respect to the renewal of the Memorandum of Understanding and Action Plan, without which sustainable progress towards eradicating forced labour would not be achieved. The Government had failed to act on repeated calls from the Governing Body over the past two years and seemed to be backtracking on its commitment to cooperate with the ILO on cases of under-age recruitment occurring after 26 February 2007, which raised questions about the Government's commitment to eradicating forced labour. While she welcomed the information about the low number of new instances of forced labour, she was disappointed about the Government's failure to effectively prosecute those cases that had been identified. Impunity for grave violations such as under-age recruitment was simply not acceptable, and silencing victims who came forward to raise awareness with criminal penalties was a severe breach of the Supplementary Understanding and of any trust in the Government, and called into question the credibility and usefulness of awareness-raising activities.
331. There had been a further regression in Myanmar's commitment to the fundamental principles and rights at work and, although the National Tripartite Dialogue Forum had been meeting regularly, little progress had been made to bring the country's labour laws into compliance with international labour standards. While agreement had been reached on common proposals concerning the draft Labour Organization Law, the Government had again failed to engage in genuine consultations with the social partners over those proposals. As a result, the Law, if adopted, would include numerous provisions that would not be in line with international labour standards. Furthermore, she was extremely disappointed by the Government's opposition to the adoption of legal provisions on collective bargaining, which cast serious doubts over the Government's commitment to reform labour laws.
332. She welcomed the ILO's various initiatives to enhance decent employment opportunities, including in conflict-affected areas. In relation to new opportunities for economic diversification and exports, enterprises should carry out human rights due diligence in line with the MNE Declaration. Furthermore, the Government should swiftly complete the various measures it had undertaken to adopt in order to combat child labour. The National Action Plan on Child Labour and the draft Child Law should be adopted without further delay. The Government should engage in serious consultations with the social partners in order to develop a list of hazardous and light work for children. The three priority areas that the DWCP would address, as mentioned in the document, had been generally endorsed by the National Tripartite Dialogue Forum, which she hoped would mark a turn in the Government's attitude with respect to various fundamental challenges.
333. She urged all governments to impress on the Government of Myanmar the urgent need to stop military violence and put an end to the human rights abuses inflicted on the Rohingya people.
334. She noted the amendment to the draft decision proposed by the Office. Referring to point (c), she said that simply encouraging the Government to continue what it had been doing was not sufficient to ensure that the country's labour laws were brought into line with international labour standards, and proposed that the sentence should be amended to read: "urges the Government to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards".

335. *The Employer spokesperson* noted with concern that the Government and the ILO had not been able to finalize an agreement to renew the Memorandum of Understanding and Action Plan. He regretted that, as stated in paragraph 5 of the document, the Government would cooperate with the ILO only with respect to cases of under-age recruitment occurring after 26 February 2007. He requested the Director-General to report on cases of under-age recruitment that had occurred before 26 February 2007 to each session of the Governing Body and encouraged the ILO to continue working on under-age recruitment cases with the Country Task Force on Monitoring and Reporting. He noted that awareness-raising activities against forced labour continued throughout the country in collaboration with social partners and civil society organizations, but that long-term sustainability in the elimination of forced labour required the implementation of additional activities as proposed under the Action Plan.
336. The National Tripartite Dialogue Forum had met many times and had made progress, but important areas of difference remained. Efforts should continue to focus on building solid institutions and on reinforcing the capacity of the social partners to improve labour market governance in support of democratization and the rule of law. The Government should continue the process of labour law reform to promote the development and strengthening of labour market institutions as well as the capacity of the constituents to improve labour market governance.
337. Referring to an ACT/EMP project to develop the capacity of employer organizations in Myanmar, he drew attention in particular to partnerships with the Union of Myanmar Federation of Chambers of Commerce and Industry to provide guidance on integrating employer functions into the existing chamber structures, and with the Myanmar Garment Manufacturers Association to develop its labour service offering. He noted with satisfaction that a number of positive steps had been taken in respect of the third and fourth pillars of the Framework for ILO Engagement in Myanmar 2016–17, as described in the document.
338. Noting that the DWCP for Myanmar was being developed for the first time, he said that the most important issues for employers were the need to increase capacity and improve labour market governance. Government enforcement of the law only occasionally resembled the law itself. The institutional capacity building of social partners should be a priority. Expressing deep regret and concern regarding the forceful displacement of the Rohingya people, he asked the Government to take demonstrable and determined action to stop attacks on that population, and thanked the Government of Bangladesh for accommodating them. Failure to renew the Memorandum of Understanding and the Action Plan would hamper further progress as well as the ILO's capacity to continue providing its full range of technical support, training and awareness-raising activities, and would call into question the Government's stated commitment to the elimination of forced labour.
339. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Norway aligned themselves with the statement. She welcomed Myanmar's progress on a democratic transition and the positive steps made by the Government to improve labour rights. The EU and its Member States were strongly committed to that process. However, she expressed deep concern over reports of serious human rights violations and abuses in the country, in particular in Rakhine State, Kachin State and northern Shan State. She noted the challenges related to the deterioration of the security and humanitarian situation in Rakhine State. The EU and its Member States would continue to address vital issues as part of their continued political engagement with the country and in multilateral forums and she looked forward to a constructive dialogue with the Government in relevant side events at the forthcoming Foreign Ministers' Meeting of the Asia–Europe Meeting on 20 and 21 November 2017.

340. She welcomed the ILO's involvement in the country and in particular the recent development of a DWCP outline, and looked forward to its signing and swift implementation. The Government should continue to bring its labour law into line with international labour standards, foster a tripartite dialogue and ensure freedom of association. She noted with interest the strengthening of tripartite dialogue through the National Tripartite Dialogue Forum and encouraged the Government to finalize the Labour Organization Law, in consultation with social partners. Together with the Governments of Myanmar, Denmark, United States and Japan, and the ILO, the EU was actively participating in the Initiative to Promote Fundamental Labor Rights and Practices in Myanmar.
341. She strongly encouraged the Government of Myanmar to take additional measures to eliminate forced labour and expressed deep concern that the Action Plan had not been renewed; she therefore urged the Government to take all necessary steps to agree on a new Memorandum of Understanding and revised Action Plan with the ILO and to implement it. The Action Plan should be aimed not only at the union level but also at the regional and local levels, and cover conflict-affected areas so that ethnic armed organizations were targeted. Any failure to renew those instruments would bring into question the Government's stated commitment to eliminate forced labour. The Government should also extend the Supplementary Understanding beyond 31 December 2017 as a matter of urgency in order to address the many long-standing cases of forced labour already received as well as new ones. Impunity was not acceptable, even in cases that had occurred many years ago. She expected tangible progress on the revised Action Plan and a renewed Supplementary Understanding at the Governing Body session in March 2018. She supported the draft decision, as amended.
342. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that Australia aligned itself with the statement. He took note of the positive developments in the promotion and protection of labour rights in Myanmar and observed that, with technical assistance from the ILO, the efforts to promote and protect the rights of workers in Myanmar were gaining momentum and producing tangible results. He appreciated Myanmar's long-standing cooperation with the ILO and the commitment made by the Government of Myanmar to eliminate forced labour. Noting that the renewal of the Action Plan was an ongoing process, he encouraged Myanmar to continue its engagement with the ILO to finalize the agreement on the renewal of the Action Plan and the Memorandum of Understanding. The ILO should continue to provide technical assistance to Myanmar not only to eliminate forced labour but also to promote decent work in the country. The international community should continue to engage with Myanmar constructively and assist the Government in promoting and protecting labour rights as well as in enhancing social and economic development.
343. *A Government representative of the United States* said that his Government had deep concerns with respect to the forced labour situation. Despite repeated and increasingly urgent calls from the Governing Body, the Memorandum of Understanding and the Action Plan had not been renewed. Moreover, while the ILO continued to receive significant numbers of forced labour complaints, the Supplementary Understanding, which set out the Government's commitment to address those complaints, would expire in December 2017. In addition, the Ministry of Defence was challenging aspects of the mandate of the Supplementary Understanding, a move that could jeopardize hundreds of former under-age recruits currently relying on the Supplementary Understanding's protections, and others who might file complaints in the future. The mandate of the Supplementary Understanding could not be curtailed to exclude individuals recruited before it was signed. He called on the ILO Liaison Officer for Myanmar to report on those cases at every session of the Governing Body and stressed that the Government, including both the civilian government and the military, bore responsibility for the elimination of forced labour. The military must renew and strengthen its cooperative engagement with the ILO to eliminate the use of forced labour throughout the country.

344. Recent developments related to freedom of association were also troubling. While the National Tripartite Dialogue Forum's Technical Working Group on Labour Law Reform had met intensively over the past few months to discuss amendments to freedom of association laws prioritized for reform, and employers and workers had reached consensus on a number of important issues, the Government had been unwilling to accept bipartite amendment proposals, even in situations where those amendments would resolve issues raised by the Committee of Experts. The number of trade unions registered had declined and trade unions had reported that local labour offices had imposed bureaucratic requirements for registration that were not required under law.
345. He urged the Government to implement the findings of the Advisory Commission on Rakhine State, and requested the ILO Liaison Officer to support those efforts. Given the strong correlation between conflict in the country and the use of forced labour, areas of ongoing conflict, including Rakhine State, must be included in the work of the ILO Liaison Office on the elimination of forced labour. The US Government provided significant resources for technical assistance in the country; it could not support a transition to a DWCP and the establishment of a country office when the will of the Government, and particularly that of the military, to address forced labour was evaporating. He requested the Office to clarify whether, and how, forced labour was currently included in the draft DWCP, and further requested clarification on the efficacy of implementing the DWCP in 2018 in the absence of the renewal of the key agreements on forced labour.
346. In the absence of that information, and in the light of the Government's failure to give any indication of an intention to renew the agreements, he proposed the addition of a new paragraph 35(f) to the draft decision, to read: "delays the implementation of the Decent Work Country Programme until such time as the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and the Supplementary Understanding are renewed." He supported the amendments proposed by the Office and by the Workers.
347. *A Government representative of India* noted the positive steps taken by the Government of Myanmar to strengthen social dialogue, develop the DWCP and undertake labour reforms. He encouraged Myanmar to continue its engagement with the ILO and to finalize the agreement on the Memorandum of Understanding and associated Action Plan. The ILO and the international community should continue to support and extend technical assistance to the Government of Myanmar in its efforts to eliminate forced labour and promote decent work so as to achieve its national economic and social policy objectives, including labour reforms.
348. *A Government representative of Bangladesh* said that the recent gross and systematic violations of rights in Rakhine State were a matter of grave concern and ran counter to the letter and spirit of the Declaration of Philadelphia. His Government urged the ILO to take into account the situation there in its ongoing work in ethnic areas to encourage job creation and local reconciliation in support of the Government's peace-building agenda. It requested the Office to include in its next report the outcome of its project to implement a skills development project in Rakhine State, following the recommendations of the Advisory Commission. The Rohingya people, as the most vulnerable and disadvantaged group in Myanmar, deserved special attention in the DWCP. In finalizing the agreement between the Government of Myanmar and the ILO on the renewal of the Memorandum of Understanding and its associated Action Plan, more attention should be given in the future Action Plan to eliminating forced labour and child labour from Rakhine State.
349. *A Government representative of China* noted the significant improvements in protecting labour rights in Myanmar, achieved with ILO technical assistance. He expressed the hope that the Office would continue to provide Myanmar with the necessary technical assistance to promote tripartite social dialogue and the protection of labour rights. He called on the

international community to continue playing a constructive role in joint efforts to ensure better protection of labour rights in Myanmar and help promote a sustainable and healthy development of its economy and society.

- 350.** *A Government representative of Japan* appreciated the Government of Myanmar's efforts to promote continued labour law reform and tripartite social dialogue. Recognizing Myanmar as an important partner, the Government of Japan had been providing bilateral support to the country. It expected that continued support from the ILO and other relevant countries would contribute to the adoption of labour laws and practices in Myanmar that were in line with international labour standards. It was important for the ILO and the Government of Myanmar to advance policies in a spirit of mutual respect and agreement.
- 351.** *A representative of the Director-General (ILO Liaison Officer for Myanmar)*, in response to the question from the United States concerning the link between the DWCP and the Memorandum of Understanding and its associated Action Plan, said that the Office had sought to integrate the two frameworks. The DWCP included a specific component on the elimination of forced labour, under which the various activities envisaged in the Action Plan would be reflected as significant outputs.
- 352.** *The Worker spokesperson* asked whether it would be wise to include the proposed paragraph 35(f) in the draft decision, and whether delaying the DWCP until the Memorandum of Understanding and its associated Action Plan and the Supplementary Understanding were renewed would actually help the people of Myanmar.
- 353.** *The representative of the Director-General (Deputy Director-General for Management and Reform)* said that, in terms of the timing, it was expected that the DWCP would be finalized and ready for agreement in late January 2018. It was hoped that the Government would continue to discuss with the ILO the renewal of the Memorandum of Understanding and its associated Action Plan. The Office hoped to be able to report back positively to the Governing Body in March 2018.
- 354.** *The Worker spokesperson* said that, in that case, the Workers could agree with the proposal to include paragraph 35(f).
- 355.** *The Employer spokesperson* said that the Employers were not happy with the idea of delaying the implementation of the DWCP and sought further clarification.
- 356.** *A Government representative of the United States* said that the DWCP would include the elimination of forced labour as a core component, but it would have no real effect unless there was a Memorandum of Understanding and a Supplementary Understanding. The suggestion was simply to delay implementation of the DWCP until the Government agreed to sign the two documents.
- 357.** *The Employer spokesperson* said that, in the light of that explanation, the Employers could agree to the proposal to include paragraph 35(f).
- 358.** *A Government representative of Myanmar* said that he was not suggesting that his Government would not be renewing the Memorandum of Understanding and associated Action Plan, and the Supplementary Understanding; he had simply said that the Government was in the midst of very intensive consultations with important stakeholders in the country. Those difficult consultations were close to drawing to a successful conclusion, and he had hoped to be able to sign that very day, but that had not proved possible.
- 359.** With regard to the addition of paragraph 35(f) to the draft decision, proposed by the United States, he said that delaying the DWCP would penalize the workers and the social partners

in Myanmar and was unfair treatment. He therefore called on the United States to reconsider its proposal. He also requested the ILO Liaison Officer to explain the negative impact that delaying the DWCP would have on all parties, in terms of activities in the country and future action. The DWCP addressed all challenges in Myanmar, including forced labour and under-age recruitment.

- 360.** *A Government representative of the United States* said that, while he understood those concerns, the representative of the Government of Myanmar's remarks had given the impression that a response would be imminently forthcoming. Thus, as soon as the response was received, the ILO would be able to move ahead with the DWCP.

Decision

361. The Governing Body:

- (a) urged the continued cooperation between the Government of Myanmar and the ILO for the elimination of forced labour through the extension of the Supplementary Understanding beyond 31 December 2017;*
- (b) expressed serious concern about the Government's failure to renew the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and requested the Government to finalize these immediately;*
- (c) urged the Government to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards;*
- (d) noted the progress made under the current Framework for ILO Engagement in Myanmar and in the development of a Decent Work Country Programme in which the elimination of forced labour was included as a core component;*
- (e) requested the Director-General to report on forced labour cases received by the ILO at each future Governing Body session and to provide a comprehensive update on further progress to the 332nd Session of the Governing Body in March 2018;*
- (f) delayed the implementation of the Decent Work Country Programme until such time as the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and the Supplementary Understanding were renewed.*

(GB.331/INS/11, paragraph 35, as amended.)

Twelfth 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.331/INS/12\(Rev.\)](#))

- 362.** *The Special Representative of the Director-General in Guatemala* said that, despite a persistent climate of mistrust in the country, dialogue between the employers and workers had begun to take hold and had already resulted in consensus on a new decree restoring disciplinary powers to labour inspectors. More than 13 bipartite meetings had been held since March 2017, and the Congressional Labour Committee and the Ministry of Labour and Social Welfare had maintained efforts to convene tripartite meetings to consolidate social dialogue. The National Committee on Labour Relations and Freedom of Association, established by a tripartite agreement signed at the ILO during the current Governing Body session, represented a new era of social dialogue.
- 363.** Nevertheless, some problems remained, and the Office would continue to support the social partners as they sought to deliver on their commitments. Above all, the Government must address the priority issues that continued to require further urgent action: the prosecutions for the murders of and violence against trade unionists; implementation of reinstatement orders for workers who had suffered anti-union dismissals; the strengthening of the newly created National Committee on Labour Relations and Freedom of Association; and the expansion of the awareness-raising campaign on freedom of association and collective bargaining.
- 364.** *The Worker spokesperson* said that the tripartite agreement was a positive development that would help to resolve differences between the constituents and offered a lasting solution for the implementation of the roadmap. However, serious shortcomings remained with regard to the prosecutions for the murders of trade unionists, protection of unionists under threat, reinstatement of dismissed workers, and registration of unions. Accordingly, the social partners had requested the Government to establish a national tripartite committee, which importantly made specific mention of freedom of association in its title. Building on the initial consensus achieved by bipartite dialogue, the new agreement required the Government to use a tripartite approach in bringing national legislation into line with Conventions Nos 87 and 98 before the next session of the Governing Body, in accordance with point 5 of the roadmap. If the agreement was implemented fully by that time, she was optimistic that the Governing Body would be able to conclude its examination of the article 26 complaint. The Workers' group supported the draft decision.
- 365.** *The Employer spokesperson* noted with satisfaction the new tripartite agreement, which contained clear commitments and deadlines to resolve the outstanding issues. He commended the Special Representative of the Director-General on the work he had undertaken. The Office must support the tripartite initiatives embodied in the agreement by providing technical assistance to find legal alternatives to the issues identified by the Committee of Experts, before they were sent to the National Congress. He was confident that the goodwill shown in the negotiation of the tripartite agreement would result in the

prompt and effective realization of the commitments. The Employers' group supported the draft decision.

- 366.** *A Government representative of Guatemala (Minister of Labour and Social Welfare)* drew attention to the presence of a high-level delegation representing the three branches of government responsible for implementing the roadmap. Moreover, the President of Guatemala had written that day to the Director-General reaffirming the commitment and political will reflected in the tripartite agreement and requesting the Governing Body to assess and recognize the substantial progress made on each of the key indicators, so that the process could be brought to a close by March 2018. The Chairperson of the Congressional Labour Committee had also written that day to the Director-General, reaffirming the commitment of the legislative branch and providing reassurances that the Committee stood ready to receive further legislative proposals for safeguarding freedom of association and the right to collective bargaining and to step up its efforts to protect human rights.
- 367.** She welcomed the signing of the national tripartite agreement and called on all stakeholders in Guatemala to implement it. There had already been continuous progress on all of the indicators of the roadmap over a five-year period. She commended the support of the Special Representative of the Director-General, and requested the Organization's tripartite constituents to continue to provide support to her Government in complying with the fundamental principles and rights at work. Resources were also needed to address other important issues, including the implementation of the national policy on decent work, the launch of a roadmap to eliminate child labour, the implementation of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the functioning of the general labour inspectorate's probity and transparency unit. She reaffirmed her country's commitment not only to achieving the indicators of the roadmap, but also to creating decent work, complying with the law and meeting its national and international commitments on labour matters, with a view to closing the article 26 complaint.
- 368.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay applauded the efforts and political will of the President and Minister of Labour of Guatemala to implement the roadmap under an overall approach in which the three branches of government assumed their respective responsibilities. GRULAC welcomed the tripartite dialogue that had culminated in the signing of the national tripartite agreement, which attested to the determination of the Government and the social partners to step up efforts to implement the roadmap. Tripartite agreements were unequivocal proof that constructive, participatory social dialogue could result in lasting solutions and the full application of international labour standards. The involvement of the ITUC and the IOE was laudable, and they should continue participating actively in the follow-up to the agreement. The group requested the Office to support the valuable technical assistance provided by the Special Representative, and invited the international community to provide the Office with the necessary resources to continue all of its activities. It would welcome the closure of the case at the next session of the Governing Body. GRULAC supported the draft decision.
- 369.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Norway. She welcomed the progress made in Guatemala on social dialogue, which had led to a reform of the labour code to restore disciplinary powers to labour inspectors. The involvement of the ITUC and the IOE was a very positive step. However, it was regrettable that progress on implementing the roadmap remained limited. The murder of a trade unionist in September 2017 was deeply concerning. The Government must adopt immediate measures to address the priority issues that continued to require further urgent action. Furthermore, the Committee for the Settlement of Disputes must take the necessary measures to build trust among parties to ensure that it could work effectively. She called on

the Government to resolve the long-standing political issues in the country and ensure rapid, substantial progress on the roadmap. Tripartite consensus should also be reached on new legislation that complied with Convention No. 87. The recently concluded tripartite agreement was a promising step forward, and it was hoped that the national tripartite committee would build trust and forge social dialogue. She supported the draft decision.

370. *A Government representative of Canada* welcomed the continued engagement by Guatemala with the ILO, particularly on the establishment and institutionalization of the National Tripartite Committee on Labour Relations and Freedom of Association focused on implementation of the roadmap. She called on the Government to address the continuing challenges, including murders of and violence against trade unionists. She supported the draft decision.

371. *A Government representative of the United States* commended the Guatemalan Government and social partners on reaching an agreement that would strengthen all parties' commitment to the full and urgent implementation of the roadmap. The efforts of the Ministry of Labour were laudable, but progress had been inconsistent and many challenges remained. For example, there was no evidence that the decree which restored administrative sanction authority to the labour inspectorate was being implemented effectively. Additionally, tripartite consensus had not been reached on legislation to address long-standing recommendations of the Committee of Experts relating to Convention No. 87. The lack of progress in making the labour inspectorate more transparent, effective and self-sustaining was a concern. That could be improved by finalizing the legal instruments necessary to establish an anti-corruption unit, implementing new inspection protocols and providing the additional resources required by the labour inspectorate. Those initiatives would facilitate the effective implementation of the new decree and the roadmap, particularly in the agriculture and maquila sectors where violations of freedom of association and collective bargaining persisted. The four additional convictions for trade union murders were welcome, but additional progress was needed on the remaining cases. The process for prosecuting non-compliance with labour court orders must be expedited to eliminate the backlog. The number of trade union registrations had increased, but only a few had taken place within the legally established limit of ten to 20 days. Such delays exposed trade union members to anti-union reprisals and undermined the credibility of those trade unions. Therefore, anti-union discrimination must be investigated and barriers to trade union registrations eliminated. She expressed the hope that the national tripartite agreement would result in concrete progress. She supported the draft decision.

Decision

372. *In view of the information communicated by the Government and by the workers' and employers' organizations of Guatemala, and welcoming the agreement reached by the Guatemalan tripartite constituents, on the recommendation of its Officers, the Governing Body:*

- (a) *urged the Government, together with the Guatemalan social partners and with the technical assistance of the Office and of its representative in Guatemala, to devote all the efforts and resources needed to implement the national tripartite agreement aimed at settling the unresolved matters in the roadmap;*
- (b) *encouraged the international community to contribute, by providing the necessary resources, to the implementation of the national tripartite agreement and to the Office's corresponding technical assistance;*

(c) *deferred until its 332nd Session (March 2018) the decision on the appointment of a Commission of Inquiry.*

(GB.331/INS/12(Rev.), paragraph 50.)

**Financial implications of the extension
of the duration of the ILO representative
in Guatemala's presence in the country
([GB.331/INS/12\(Add.\)](#))**

Decision

373. The Governing Body, having decided to extend the duration of the ILO representative's presence in Guatemala, further decided that the cost of the representative, estimated at US\$872,400, would be financed 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 2018–19 biennium.

(GB.331/INS/12(Add.), paragraph 3.)

Thirteenth 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.331/INS/13\(Rev.\)](#))**

374. A Government representative of Qatar, emphasizing that his Government was committed to protecting human rights in general and workers' rights in particular, said that Qatar hoped to set an example for other countries in the treatment of migrant workers through the implementation of national legislation and international standards and agreements related to workers' rights, based on five major pillars: prevention; protection; increased provision of remedies; awareness raising; and implementation. The Qatar National Vision 2030 had established standards to guarantee the rights of migrant workers and attract the skills required to achieve sustainable development. Qatar annually welcomed large numbers of migrant workers, and Qatari society had become a model for the coexistence of people of diverse beliefs and cultures.

375. Qatar had undertaken a number of legislative and administrative steps in order to achieve decent work for both its citizens and migrant workers. He provided an overview of those developments, which were described in the document, including the efforts to implement a contractual system; the measures taken to implement the law on regulating the entry, exit

and residence of migrant workers; and the issuance of laws on workers' dispute resolution committees and on domestic workers. In addition, measures were being taken to address the non-payment or delayed payment of wages, and to combat trafficking in persons. Qatar was studying how to implement a minimum wage policy for all workers without discrimination. At the end of October 2017, the Council of Ministers had approved the establishment of a workers' support and insurance fund. Thanking the Governing Body for its support, he said that Qatar would continue to cooperate with the ILO in order to implement the technical cooperation programme.

- 376.** *The Worker spokesperson*, recalling the background to the complaint and the progress made to date, noted with satisfaction that the Government of Qatar had acted on the Governing Body's request to continue engaging with the ILO and as a result had developed a three-year technical cooperation programme, which aimed to address virtually all the issues raised in the complaint. She noted in particular the efforts to improve the wage protection system; the plans to introduce a minimum wage applicable to all workers; the measures foreseen to ensure that employment contracts would replace all manifestations of the *kafala* system; the plans to develop effective policies against human trafficking; the commitments to promote freedom of association, in particular for migrant workers; and the establishment of workers' dispute resolution committees and joint committees, with half of the representatives to be elected by workers. She expressed the expectation that a fully competent and resourced labour inspectorate would ensure that reforms foreseen in the area of labour inspection would be effectively implemented. However, good intentions would not be sufficient; the implementation of the proposed actions in law and practice would be critical. The Workers expected the Government of Qatar to work closely with the ILO in that respect and looked forward to hearing about the progress made at the 334th Session of Governing Body, in November 2018. She endorsed the draft decision.
- 377.** *The Employer spokesperson* commended the Government of Qatar's efforts, in consultation with the social partners and with the support of the ILO, to bring its law and practice into line with international labour standards. In particular, he commended the measures taken to implement effectively Law No. 21 of 2015 relating to the entry, exit and residence of migrant workers. Change was never easy, but the efforts of the Qatari employers to provide information, to help the Employers' group to appreciate the regional dynamics and their resolve to be part of the solution to mould a better Qatar, were greatly appreciated. Legislative changes to establish workers' dispute resolution committees and to protect domestic workers, including through the development of a model contract for domestic workers, were particularly welcome.
- 378.** The Employers supported the technical cooperation programme and its implementation modalities as agreed between the Government of Qatar and the ILO. He commended the programme's aims to support an integrated approach to the annulment of the sponsorship system, the improvement of the labour inspection and OSH systems, the efforts to give a voice to workers and, notably, the implementation of a system of employment contracts. He thanked the Minister of Labour and Social Affairs and other high-level government officials of Qatar for their attendance at the current session of the Government Body, which signalled the Government's commitment to find effective and long-lasting solutions to the issues at stake. He endorsed the draft decision.
- 379.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina, and Norway aligned themselves with the statement. She noted the significant legislative developments reported by the Qatari Government, including on dispute resolution, domestic workers and job transfer. New legislation on exit visas should be fully implemented. She welcomed the technical cooperation programme, which would address all the critical issues that had been raised in the complaint and which should be

implemented quickly. Its implementation should be regularly monitored and evaluated. The ILO should support the Government in strengthening the national complaints mechanism. She supported the draft decision.

- 380.** *A Government representative of Nepal* welcomed steps to protect the rights of migrant and other workers in Qatar, including the adoption of legislation on domestic workers, dispute settlement, joint committees, entry and exit of migrant workers and the abolition of the *kafala* system. That legislation must now be fully and swiftly implemented by the Qatari Government and employers. He welcomed the technical cooperation programme and the Qatari Government's commitment to aligning its laws and practices with international labour standards and fundamental principles and rights at work. He encouraged the Government to continue its reform process, and ensure that all reforms were put into practice to achieve workplace compliance, and promote and protect workers' rights.
- 381.** *A Government representative of the United States*, noting that the agreement reached could bring significant and lasting reform to labour relations in Qatar, welcomed the efforts by the Qatari Government to respond to the ILO's supervisory bodies. She welcomed the technical cooperation programme which, if properly implemented and sustained, would have a positive impact on the 2 million migrant workers employed in Qatar. While the Qatari Government had initiated legal reforms and had allocated resources to fulfilling its commitments, much work remained to be done. It should redouble its efforts to strengthen its institutional capacity and ability to address outstanding labour issues by fostering a culture of compliance through meaningful enforcement. The system that facilitated forced labour had to be fully dismantled in order to protect workers from exploitative practices and ensure that perpetrators were prosecuted. Migrant workers should be confident that labour contracts would be respected and the law enforced. She looked forward to future progress reports concerning the technical cooperation programme and supported the draft decision.
- 382.** *A Government representative of Australia* said that Bangladesh, China, Fiji, India, Indonesia, Iraq, Republic of Korea, Lebanon, Malaysia, Myanmar, New Zealand, Philippines, Singapore and Thailand aligned themselves with the statement. He welcomed the significant progress made and commended all those involved for working productively to resolve the complaint. In particular, he noted legislative reforms on the entry, exit and residence of migrant workers, domestic workers and dispute resolution, and the development of the technical cooperation programme. He supported the main areas of work to be conducted under that programme, as outlined in paragraph 4, and in particular encouraged the Qatari Government to implement all steps to abolish the *kafala* system. He supported the draft decision, including the proposal to close the complaint procedure.
- 383.** *A Government representative of Myanmar* took note of the Qatari Government's efforts to improve legislation and abolish the *kafala* system. He welcomed the technical cooperation programme and its implementation modalities, and encouraged the Government to continue to cooperate with the ILO in that regard. He supported the proposal to close the article 26 procedure.
- 384.** *A Government representative of Canada* welcomed the Qatari Government's efforts to improve the labour rights of migrant workers by implementing legislative reform and finalizing a technical cooperation programme with the ILO. In particular, she welcomed the ratification of Law No. 15 of 2017 on domestic workers, which should be further developed and fully implemented in full conformity with ILO standards. She encouraged the Government to continue to implement reforms, particularly in the areas of wage protection and access to effective dispute resolution mechanisms, and looked forward to the finalization of the workers' support and insurance fund and the introduction of a minimum wage. Her Government would continue to work with the Qatari Government to provide training and capacity building towards compliance with international labour standards, and looked

forward to regular progress reports on the technical cooperation programme. She supported the draft decision.

- 385.** *A Government representative of Turkey* noted the Qatari Government's commitment to solving the problems relating to labour relations and working conditions in Qatar. He welcomed the technical cooperation programme, which would contribute to abolishing the *kafala* system, improving labour inspection systems and giving a voice to workers. He supported the draft decision.
- 386.** *A Government representative of Cuba* took note of the steps taken by the Qatari Government, including legislative reforms and the development of the technical cooperation programme. The Government should continue to work with the ILO and should revisit the legislative reform process where necessary.

Decision

- 387.** *At its 331st Session of November 2017, recalling the decisions adopted at its 329th Session (March 2017), and commending: (i) the measures taken by the Government to effectively implement Law No. 21 of 2015 relating to the entry, exit and residence of migrant workers and to follow up on the high-level visit assessment; (ii) the official transmission of Law No. 15 of 22 August 2017 on Domestic Workers and of the Law establishing Workers' Dispute Resolution Committees of 16 August 2017; and (iii) the information provided on the technical cooperation programme between the Government of Qatar and the ILO (2018–20), the Governing Body:*
- (a) supported the agreed technical cooperation programme and its implementation modalities between the Government of Qatar and the ILO;*
 - (b) decided to close the complaint procedure under article 26.*

(GB.331/INS/13(Rev.), paragraph 5.)

Fourteenth 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.331/INS/14\(Rev.\)](#))

- 388.** *A Government representative of the Bolivarian Republic of Venezuela* said that numerous efforts were being made with all stakeholders to consolidate open and constructive social

dialogue, characterized by mutual recognition, respect and objectivity, in order to foster national economic and social development and the well-being of workers and citizens in general.

389. President Maduro had urged all employers in the country to make a commitment to address the current economic situation, assuring them that the Government was ready to assist in any way possible in that regard. Since January 2017, meetings had been held with the leadership of the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) to discuss specific issues such as job security, the situation of companies and the official minimum wage. Those meetings had been a positive experience for the Government and for FEDECAMARAS, as acknowledged by its former president. There had also been written communication with FEDECAMARAS on outsourcing and consultation on the national minimum wage.
390. In June 2017, a tripartite meeting had been convened at the ILO, with the Director-General's support, during the International Labour Conference. FEDECAMARAS had accepted the invitation but, unfortunately and surprisingly, had failed to attend the meeting. That notwithstanding, the Government's firm resolve to promote social dialogue had prompted it to organize a working meeting in September 2017 between the leadership of FEDECAMARAS and the Minister of External Trade and International Investment, who had reiterated his Government's support to private enterprise to boost production, strengthen the economy, promote general well-being and support exporting companies.
391. In October 2017, the current leadership of FEDECAMARAS had met the Minister of Labour, and both parties had agreed to address labour-related issues. The Government had been emphatic that the Ministry of Labour was open to social dialogue. Although the country was experiencing a complex economic situation, it was still committed to social dialogue as the fundamental mechanism for promoting the well-being of workers and society in general.
392. With regard to the complaint, his Government considered that it was not appropriate to establish a Commission of Inquiry, and the Bolivarian Republic of Venezuela did not therefore support the amendment to the draft decision proposed by the Employers. It would be counterproductive, considering that current conditions were favourable to the consolidation of social dialogue and the Government was certain of achieving good results. The Government reiterated its commitment to continue to comply with ratified ILO Conventions and would do everything possible to promote the development and consolidation of social dialogue in keeping with national laws.
393. The Government appreciated the constructive aspects of the amendment proposed by the Workers but expressed regret that its wording failed to acknowledge the steps taken by the authorities to consolidate social dialogue. The Government accepted the technical visit proposed in that amendment. However, considering that municipal elections would be held in December, it would be more appropriate to conduct that visit in January 2018.
394. *The Employer spokesperson* said that the political, economic and social situation in the Bolivarian Republic of Venezuela had deteriorated to such an extent that a different and urgent approach was required. There were no independent institutions left in the country to act as a check on the executive power, dissent was brutally repressed, opponents were jailed, civilians were tried in military courts, and there was a shortage of medical supplies and food. As a result, many Venezuelans were fleeing the country. Several international organizations and governments had condemned the abuses in the country.
395. The Governing Body had witnessed for years the many acts of intimidation, manipulation and attacks against not only FEDECAMARAS but also the independent trade union movement. It had given the Venezuelan Government many opportunities to address the

violations, but the only occasions on which the Government had shown any willingness to cooperate had been immediately before a discussion at the Governing Body or the International Labour Conference. The tripartite high-level mission to the country in January 2014 had considered it necessary for the Government to develop and implement a plan of action that included stages and specific time frames for implementation. However, the Government had not adopted any satisfactory measures in terms of bipartite and tripartite social dialogue or an action plan as requested by the mission. Since November 2015, there had been an escalation of unilateral decisions targeting employers' organizations and harassing private companies under the pretext of an economic emergency that suspended constitutional economic guarantees.

- 396.** At the Governing Body session of March 2016, the Government had made a commitment to develop an action plan including a calendar of meetings with FEDECAMARAS and the most representative independent trade unions, but had failed to produce it. In November 2016, the Governing Body had noted with interest the Government's commitment to include FEDECAMARAS in the future socio-economic dialogue. In view of the lack of progress, in March 2017 the Governing Body had adopted a firm decision urging the Government to take measures to allow FEDECAMARAS and affiliates to carry out their legitimate activities in accordance with the decisions of the ILO supervisory bodies, to institutionalize without delay a tripartite round table, and to avail itself without delay of ILO technical assistance. However, the Government had never meaningfully implemented any recommendations of the Governing Body. How then could it claim that it had complied with the ratified Conventions, engaged in consultations, respected the freedom of association of employers and workers and upheld basic civil liberties?
- 397.** The Governing Body had no reason to believe that any of the promised changes would materialize in the following three months. The Government's statement that it reserved the right to ask for technical assistance and to accept technical visits from the ILO while at the same time refuting the veracity of the arguments set out in the complaint was clear evidence that it was in denial and did not wish to cooperate with the ILO. The Government had raised unilaterally the minimum wage 26 times in recent years (including five times in 2017), in violation of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), had failed to consult with FEDECAMARAS on any issues related to activities in connection with international labour standards, in violation of Convention No. 144; and had carried out a campaign of intimidation against employers and the business sector, in violation of Convention No. 87.
- 398.** The Employer Vice-Chairperson of the CFA had made it clear that there was nothing more the Committee could do to secure the cooperation of the Venezuelan Government with the supervisory mechanism. The credibility of both the complaint procedure and the Governing Body itself was at stake. Accordingly, the Employers called on each member of the Governing Body to support the establishment of a Commission of Inquiry, and proposed a corresponding amendment to the draft decision.
- 399.** *The Worker spokesperson*, noting that the Government had complied with none of the clear demands made by the Governing Body in March, said that there could be no doubt about the legitimacy of the complaint, which concerned the principle enshrined in the established case law of the CFA and elsewhere in the supervisory system that the rights of employers' and workers' organizations could only be exercised in a climate free of violence, pressure or threats against their leaders and members. The Governing Body had exercised great caution in response to calls for a Commission of Inquiry in the article 26 cases brought against the Governments of Qatar and Guatemala, despite serious violations of core standards, and had decided to proceed using other means. In the current case, the discussion concerned the most appropriate and effective action to take to ensure that the Government fulfilled its commitments not only in word but also in deed. It was important to take every possible step

to ensure that the supervisory system could effectively monitor and enforce any corrective measures, to effect genuine change for the better. Therefore, the Workers' group would grant the Government one last chance to comply with the decisions of the Governing Body and engage in genuine social dialogue with the ILO and its tripartite constituents to bring about the necessary changes. The ILO should conduct a technical visit to that effect. If the requisite progress was not achieved by the next session of the Governing Body, the Workers' group was unanimous that a Commission of Inquiry must then be established. The group therefore proposed amending the draft decision to read:

The Governing Body, seriously concerned with and deeply regretting the lack of progress with respect to the decisions taken in its previous sessions:

- (a) urges the Government to engage in good faith, in a concrete, transparent and productive dialogue based on respect for employers' and workers' organizations with a view to promoting solid and stable industrial relations;
- (b) urges one last time the Government of the Bolivarian Republic of Venezuela to institutionalize before the end of 2017 a tripartite round table to foster social dialogue for the resolution of all pending issues, and to invite to that effect an ILO technical visit, with ACT/EMP and ACTRAV participation, to meet with government authorities, FEDECAMARAS and their member organizations, leaders and affiliated companies, as well as trade unions;
- (c) requests the Director-General of the ILO to make available all necessary support in this regard and to report back on the ILO technical visit at its 332nd Session (March 2018); on the basis of the report of the ILO technical visit, the Governing Body will decide if a Commission of Inquiry shall be established; and
- (d) defers the decision on the appointment of a Commission of Inquiry until its 332nd Session (March 2018).

400. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Norway aligned itself with her statement. She deplored the continuing acts of intimidation and retaliation against employers and the exclusion of FEDECAMARAS from social dialogue, as well as the refusal of the Venezuelan Government to foster social dialogue and avail itself of ILO technical assistance in response to repeated requests by the Governing Body and the 2014 high-level mission. Tripartite social dialogue was essential to ensure social stability and economic growth, and the Government's political and economic problems did not excuse it from excluding the employers from social dialogue. To decide on the way forward, an approach based on consensus was required from the Governing Body, therefore she called on the Workers and the Employers to propose a jointly agreed draft decision.

401. *A Government representative of Argentina*, speaking also on behalf of Brazil, Canada, Chile, Colombia, Costa Rica, Honduras, Mexico, Panama, Paraguay and Peru, presented a subamendment to the Workers' proposal, to the effect that a high-level mission led by the Officers of the Governing Body would take place instead of an ILO technical visit, and would meet also with leaders from all social sectors to determine whether concrete progress had been achieved by means of social dialogue. The Governing Body would then decide in March 2018, on the basis of the report of the high-level mission, whether to appoint a Commission of Inquiry.

402. *A Government representative of the Russian Federation* said that there had been evidence that the Venezuelan Government had been working together with the ILO and the social partners on the implementation of freedom of association and other rights provided for in ILO Conventions, and had held a number of meetings with FEDECAMARAS. Since the March 2017 session of the Governing Body, it had provided regular and detailed reports to the ILO on its sincere attempts to establish tripartite dialogue. In light of that progress, the Russian Federation did not support the proposal to send a Commission of Inquiry.

- 403.** *A Government representative of the United States* said that he shared the concerns expressed by the Workers and Employers, in particular about the very serious allegations of intimidation, harassment and stigmatization of FEDECAMARAS. The Government's unwillingness to avail itself of ILO technical assistance to help achieve compliance with international standards and its failure to engage with the ILO and the social partners on the outstanding issues concerning freedom of association were regrettable. The potential of meetings with the social partners and forums such as the National Council on the Productive Economy was lost if they failed to produce specific workplans or were followed by intimidation and aggression. The case had already been deferred twice to give the Government time to engage in social dialogue and avail itself of ILO technical assistance but, given the complete lack of progress, the only option left was to send a Commission of Inquiry.
- 404.** *A Government representative of Cuba* said that the Governing Body should take account of the recent efforts by the Minister for External Trade and International Investment and the Minister of Labour to strengthen social dialogue with FEDECAMARAS. The establishment of the National Council on the Productive Economy was a further promising development. Despite the intense economic and media pressures it faced, the Government had reiterated its willingness to comply with its employment-related obligations and fulfil the requests made by the Governing Body. The ILO supervisory mechanisms must not be applied selectively or be subject to political manipulation, as had happened in the instant case. He rejected the proposal for a Commission of Inquiry and supported the proposal of the Workers' group for a technical visit.
- 405.** *A Government representative of India* said that he welcomed the commitment of the Venezuelan Government to hold genuine and inclusive social dialogue, and the steps it was taking to address the legitimate concerns of the social partners, who should respond to the Government's calls and participate actively in the dialogue. The Government's commitment to the ILO supervisory bodies and its willingness to seek technical assistance were notable. The establishment of a Commission of Inquiry was unwarranted and would be counterproductive. The ILO and member States should support the Venezuelan Government in fulfilling its obligations and provide any assistance it sought.
- 406.** *A Government representative of Ecuador* said that the situation in the Bolivarian Republic of Venezuela should be addressed internally through engaging in social dialogue with a view to reaching agreement on a national level. The Workers' proposal would help to promote robust labour relations and the Venezuelan Government's acceptance of an ILO technical visit involving all tripartite stakeholders was commendable. It was inappropriate to establish a Commission of Inquiry, which could become a divisive force, destabilizing the social order that had been achieved rather than promoting social dialogue. He called on the Venezuelan Government and all stakeholders to renew their efforts to identify solutions to issues requiring joint action, to give the Venezuelan people the peace and prosperity they deserved.
- 407.** *A Government representative of Myanmar* said that the Venezuelan Government had made significant progress in strengthening social dialogue with all stakeholders to improve the socio-economic situation in the country and comply with international labour standards. Constructive dialogue should continue between the employers' representatives and the Government to resolve the situation. The establishment of a Commission of Inquiry did not constitute a viable solution. Social dialogue, capacity building and technical assistance were the only suitable approach.
- 408.** *A Government representative of Canada* said that it was regrettable that a mutually agreeable solution had still not been found and that the Government had effectively rejected all recommendations and had failed to address the issues raised in the complaint. Social dialogue was a core principle of the Organization and fundamental to democratic societies

where all people could freely choose their representative organizations. Social dialogue and freedom of association were, however, being consistently undermined by the Venezuelan Government. She supported the subamendment presented by the representative of Argentina.

409. *A Government representative of China* said that the non-observance by the Venezuelan Government of freedom of association and the right to organize had been the subject of recommendations by the CFA. All member States were obliged to give effect to ratified labour Conventions, but history had shown that the imposition of sanctions was not an effective solution. Dialogue and technical cooperation were effective ways to secure the implementation of international labour Conventions. He supported the provision of ILO technical assistance to the Venezuelan Government.
410. *A Government representative of Uganda* said that the ultimate solution to the issues raised in the complaint was social dialogue, and that should be given another chance. He therefore did not support the proposal to set up a Commission of Inquiry. The Venezuelan Government should seriously consider availing itself of ILO technical assistance to strengthen social dialogue.
411. *A Government representative of Brazil* noted that the Employers' and Workers' assessments of the situation were not fundamentally different. The proposal presented by the representative of Argentina was balanced, constructive and in line with ILO principles. It took into account the Workers' proposal and could unite the Governing Body in reaching a consensus-based decision that set out feasible action to improve the situation in the country.
412. *A Government representative of Uruguay* said that his country called upon the groups to reach a tripartite agreement to resolve the complaint in a constructive spirit. Commissions of Inquiry should be reserved for exceptional situations where there was no possibility of social dialogue. The Workers' proposal of a technical visit to the country was the most appropriate and was worth exploring; the Government had given its agreement in principle, which reflected its openness to social dialogue.
413. *A Government representative of the Islamic Republic of Iran* said that the Government had demonstrated its willingness to resolve the issues in the complaint and reach agreement with the employers. All parties should continue to work together to overcome the challenges. It was premature to consider the appointment of a Commission of Inquiry. He encouraged the Government to continue its efforts to fully address the matters being discussed and to call on the Office to provide assistance.
414. *A Government representative of Peru* said that the issue had been before the Governing Body for a long time without any solution being reached. The possibility mentioned by the Worker spokesperson that a Commission of Inquiry might become inevitable by March 2018 should be given due consideration and was a scenario his Government might support. In the interest of consensus, he supported the alternative proposal submitted by the representative of Argentina on behalf of a sizeable group of countries from the Americas.
415. *A Government representative of Mexico* said that social dialogue was the most suitable approach to resolve conflicts and secure compliance with States' obligations relating to labour standards. However, in light of the failure to reach consensus, it was important to recall the commitment of member States to cooperate with the ILO supervisory bodies. The instant case warranted careful and timely consideration. He therefore urged the parties concerned to continue to engage in dialogue, and invited the Venezuelan Government to cooperate and facilitate the application of the measures decided on by the Governing Body, including, if necessary, the establishment of a Commission of Inquiry. With a view to reaching an agreement, he supported the subamendment proposed by the representative of Argentina.

416. *A Government representative of Paraguay* said that the appropriate socio-political conditions should be created and all ILO instruments should be utilized with a view to restoring social dialogue in the country. He supported the subamendment proposed by the representative of Argentina, which comprised a balanced and pragmatic approach to conflict resolution for the sake of the Venezuelan people.
417. *The Worker spokesperson* welcomed the aims of the proposal put forward by the representative of Argentina and supported by other countries, which sought to establish a solid tripartite basis for action that allowed the parties on the ground to participate in solving their problems, yet exerted sufficient pressure to ensure that the Venezuelan Government showed genuine commitment. She could support the proposal if the Employers agreed.
418. *The Employer spokesperson* said that the proposals submitted both by the Workers and by the representative of Argentina called for cooperation from the Venezuelan Government that he did not believe would be forthcoming. He would like to hear from the Government before proceeding.
419. *The Government representative of the Bolivarian Republic of Venezuela* said that his Government could strongly support the initial proposal made by the Workers' group. He had just received authorization to establish a timetable for the proposed technical visit, which would greatly help his country to continue strengthening social dialogue. He could not, however, accept the subamendment submitted by the representative of Argentina.
420. *The Employer spokesperson* said that the Venezuelan Government's refusal to demonstrate flexibility with regard to the proposal of the group of countries led by the representative of Argentina meant that there were no further options that he could discuss with his group.
421. *The Worker spokesperson* said that she shared the Employers' disappointment, as she had expected the Government of the Bolivarian Republic of Venezuela to understand that it was being given one last chance.
422. *The Employer spokesperson* said that there was no rationale in holding further consultations. His group was clear about its position. Unless the Venezuelan Government rapidly changed its stance, the Governing Body should move to a vote on the appointment of a Commission of Inquiry.
423. *The Worker spokesperson* said that it would be useful to have time for further consultations.
424. *The Government representative of Argentina* said that, while the proposed text might not be satisfactory to some members, there was an overall motivation to reach consensus and to help the Venezuelan people. He therefore made a final appeal to the Venezuelan Government to demonstrate flexibility to preclude more drastic but wholly legitimate measures.
425. *The Employer spokesperson* said that the situation in the country was unsustainable. Delaying decisions would put at risk not only the business sector and the independent trade union movement but also all of the Venezuelan people. The Office had afforded time, resources, tools and assistance to the Government and had exhausted all possible channels in good faith without receiving a positive and constructive response. Nothing more could be said or done. The time had come to appoint a Commission of Inquiry, which would carry out a full investigation of the complaint and make recommendations. It would assist in ensuring compliance with the ILO Conventions and in generating more and better decent and productive jobs, to pave the way for long-lasting peace and to ensure the rule of law and democracy that were essential for the economic and social well-being of the people. His group trusted that the Commission of Inquiry would be ready to start its work before the end of 2017.

426. *The Employer spokesperson*, on resuming the discussion the following day, said that the Government seemed to have changed its position overnight. Having consulted at length with Caracas, the representative of the Venezuelan Government had received approval to accept the proposal submitted by the group led by the Government representative of Argentina. The Employers had remained unsure as to whether the Government was making that undertaking in good faith. Accordingly, they had agreed to the Workers' proposal that a letter of agreement should be drafted, with the assistance of the Office, that would demonstrate the commitment of the Venezuelan Government. Some Employer colleagues were of the view that certain minimum requirements should be included in the letter to guarantee the seriousness of the Government, namely that the high-level mission should consult the relevant actors and authorities, such as: (1) the representative independent workers' and employers' organizations; (2) the Ministry of Labour; (3) the Labour Commission of the National Assembly; and (4) the Supreme Court of Justice. A disagreement had arisen on the third point, because the Government wanted also to include the Constituent National Assembly. However, it was not possible to include the Constituent National Assembly because of the political challenges involved. The Venezuelan Government representatives had then suggested that the wording should include "the public powers established under the constitution, among others the Labour Commission of the National Assembly", thus opening up the possibility of including the Constituent National Assembly. That suggestion had been rejected by the Employers; furthermore, some Governments did not recognize the Constituent National Assembly. Consequently, with little prospect of an agreement being reached in the immediate future, the Employers wished to revert to their initial position of calling for a Commission of Inquiry and were prepared to have a vote on the matter, if necessary.
427. *The Worker spokesperson* said that the question at the current stage was how to move forward. The Workers had consulted with the Employers and had reached an understanding to request the Venezuelan Government to commit in writing to implementing the decision, in a letter of agreement drafted with the help of the Office. The political and legal situation in the country was particularly complex. The Government was trying to accommodate what it understood to be the Employers' sensitive issues, within its own legal framework. What had emerged was an acceptable outcome, which was good enough for the ILO and, hopefully, helpful for the Venezuelan tripartite constituents. It was regrettable that they had come so close to agreeing on a decision and securing a commitment that would have built trust for the future. It was her view that the Workers' proposal was the best way forward, but she could also accept the subamendment, especially as the Venezuelan Government had shown its readiness to accept it and to work with the ILO in implementing it.
428. *The representative of the Government of the Bolivarian Republic of Venezuela* said that his Government had initially rejected the proposed subamendment because it had had no prior knowledge of it. Having had the time to consult, he had informed the Governing Body that his Government had accepted the proposal, and the Employers, Workers and the Office had been informed. The Government had also said that it would sign an agreement accepting the high-level mission. In the latest draft, the Government had undertaken to: (i) accept and implement the Governing Body decision based on the Workers' group's proposal, as subamended by a group of Governments; (ii) fully cooperate with the ILO to give full effect to that decision with a view to restoring trust between the Government and social partners and engaging in social dialogue in good faith, based on mutual respect; (iii) welcome an ILO high-level mission led by the Officers of the Governing Body after 10 December 2017, on a date to be determined; and (iv) accept a subsequent ILO high-level visit to assess progress and report to the Governing Body in March 2018. It was understood that the purpose of the high-level mission was to collect and exchange information on the complaint with the authorities and relevant stakeholders, namely: (1) representative and independent employers' and workers' organizations; (2) the Ministry of Labour; and (3) any other entity or organ deemed necessary by the high-level mission, including the public bodies provided

for in the national constitution, among others the Labour Commission of the National Assembly. The Government had included the third point in order to safeguard the autonomy of the high-level mission and the principles enshrined in the national constitution. However, it was regrettable that the internal politics of the country had been brought into the discussion on that point.

429. He extended his gratitude to the governments that had supported his country, and thanked the Worker and Employer spokespersons for contributing to the drafting of the agreement, which had been an extraordinary exercise in social dialogue. He reiterated that the case had been politicized; it did not genuinely concern employers' and workers' organizations and the violation of Conventions. He called on the members of the Governing Body to adopt the amended draft decision by consensus. A Commission of Inquiry was not necessary and would be counterproductive.
430. *The Government representative of Argentina* confirmed that the countries he represented wished to retain their subamendment, which had been proposed as a compromise solution with a view to achieving consensus. He urged the members of the Governing Body to support it.
431. *Speaking on behalf of the EU and its Member States*, the Government representative of Bulgaria expressed support for the subamendment proposed by the group of countries led by the representative of Argentina. She appealed to the Governing Body members to demonstrate flexibility and understanding.
432. *A Government representative of Namibia* also supported the proposal submitted by the Government representative of Argentina.
433. *The Government representative of Cuba* said that the Venezuelan Government had indicated that it could accept the subamended text, which seemed to be gaining a consensus. Adopting that decision would demonstrate the credibility of the supervisory mechanisms with a view to promoting dialogue and cooperation.
434. *The Government representative of the Russian Federation* commended all parties on their efforts to achieve consensus and the Venezuelan Government on its constructive attitude. He supported the draft decision as subamended.
435. *A Government representative of the Republic of Korea* said that, in the interest of consensus, he supported the subamended draft decision.
436. *The Government representative of China* welcomed the efforts made by so many Governments to achieve consensus, and supported the subamendment proposed by the group of countries led by the Government representative of Argentina.
437. *The Government representative of the Islamic Republic of Iran* said that the Governing Body was close to reaching an agreement; he appealed to the Governing Body to show the flexibility needed to reach a compromise.
438. *The Government representative of Ecuador* said that the amended draft decision had resulted from tripartite dialogue at its best. He acknowledged the flexibility shown by the Venezuelan Government. The text as currently proposed was the best way of achieving a consensus-based decision.
439. *The Employer spokesperson* said that, in the light of the clear consensus among the Governments, the best way forward would be for his group to concede its position. He hoped that the matters that had been raised during the discussion would guide the high-level

mission in properly assessing the situation on the ground and preparing an objective report to the Governing Body at its March 2018 session, without undue politicization. He thanked his Worker counterpart and the Governments led by the representative of Argentina for their efforts to achieve consensus, and expressed the hope that the last chance being given to the Venezuelan Government would bring about the necessary improvements to the situation.

- 440.** *The Worker spokesperson* agreed on the high quality of dialogue that had characterized the discussion. The Workers' group strongly supported the Governing Body's decision as the best way forward. Although it was unfortunate that it had not been possible to conclude an agreement, the fact that the Government representative had read out to the Governing Body the terms to which it agreed was a strong sign of its commitment, which must be followed by implementation. The Governing Body stood ready to assist and would evaluate in March 2018 whether progress had been achieved.
- 441.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that, under the Standing Orders of the Governing Body and the Financial Rules of the Organization, the Governing Body was required to approve the costs of the high-level mission, estimated at US\$45,000, since the mission was not provided for in the regular budget.

Decision

- 442.** *The Governing Body, seriously concerned with, and deeply regretting, the lack of progress with respect to the decisions taken at its previous sessions:*
- (a) *urged the Government of the Bolivarian Republic of Venezuela to engage in good faith in a concrete, transparent and productive dialogue based on respect for employers' and workers' organizations with a view to promoting solid and stable industrial relations;*
 - (b) *urged, for the last time, the Government to institutionalize before the end of 2017 a tripartite round table to foster social dialogue for the resolution of all pending issues, and to invite to that effect an ILO high-level mission led by the Officers of the Governing Body, to meet with government authorities, FEDECAMARAS and their member organizations and affiliated companies, as well as trade unions and leaders from all social sectors;*
 - (c) *requested the Director-General of the ILO to make available all necessary support in that regard and the Officers of the Governing Body to report back on the ILO high-level mission at the 332nd Session of the Governing Body (March 2018) on the determination of whether concrete progress had been achieved by means of the social dialogue fostered by the tripartite round table;*
 - (d) *suspended the approval of a decision on the appointment of a Commission of Inquiry pending the report of the high-level mission at the 332nd Session of the Governing Body (March 2018); and*
 - (e) *decided that the cost of the high-level mission, estimated at \$45,000, be financed in the first instance from savings that might arise under Part I of the budget for 2018–19 or, failing that, through the use of the provision for unforeseen expenditure, in Part II. Should this not prove possible, the*

Director-General would propose alternative methods of financing at a later stage in the biennium.

(GB.331/INS/14(Rev.), paragraph 7, as drafted in the light of the Governing Body's discussions.)

Fifteenth item on the agenda

Reports of the Committee on Freedom of Association

383rd Report of the Committee on Freedom of Association ([GB.331/INS/15](#))

- 443.** *The interim Chairperson of the Committee on Freedom of Association (CFA)*, introducing the report, said that there were 180 cases before the Committee, 27 of which had been examined on their merits. Urgent appeals had been made to governments that had failed to send complete observations despite the time that had elapsed since the submission of the complaints for the Committee's previous examination. Such appeals had been made to the Democratic Republic of the Congo, Haiti and the Republic of Korea. The deadline for receipt of observations was 5 February 2018. The Committee had welcomed the impact that setting a deadline had had on the receipt of replies from governments. There were only two cases that the Committee had been obliged to examine without the benefit of a response from a government. Since those examinations, the Government of Cameroon had transmitted its reply. The Committee hoped to receive the required information from the Government of the Republic of Maldives soon.
- 444.** The Committee had examined the follow-up given to its recommendations in respect of 13 cases. It had concluded its examination in respect of five, concerning Argentina, Costa Rica, Dominican Republic, Peru and Turkey, and had effectively closed those cases. In the case of the Dominican Republic, the Committee had noted with satisfaction the signature of a collective bargaining agreement in the company concerned.
- 445.** The Committee had drawn the attention of the Governing Body in particular to seven cases, owing to the extreme seriousness and urgency of the matters dealt with therein. In the long-standing Case No. 2318 (Cambodia), the Committee had urged the competent authorities to expedite the process of investigation of the murders of three trade union leaders, which had taken place over ten years previously, including by ensuring the effective functioning of the Inter-ministerial Commission for Special Investigation and the establishment and operation of its tripartite subcommission. Additionally, while welcoming the registration of the factory trade union in Case No. 3121 (also Cambodia), the Committee had urged the Government to clarify whether the specific allegations of killings, physical injury and arrest of protesting workers following the January 2014 demonstrations were being investigated and to provide detailed information in that regard.
- 446.** In the long-standing Cases Nos 2761 and 3074 (Colombia), concerning violence against trade unionists, the Committee had urged the Government to continue taking all necessary measures to ensure that all reported acts of anti-union violence were investigated and that the perpetrators and instigators were convicted.

447. Case No. 2982 (Peru) concerned the murders of union leaders and members, against a backdrop of a climate of violence, threats and extortion created by criminal mafia groups in the construction sector. The Committee had requested the Government to ensure that further investigations were conducted in one archived case and to keep it informed of the outcome of all pending investigations. Emphasizing that the problem of violence in the construction sector and action for its eradication must be considered in the context of social dialogue, the Committee had requested the Government to keep it informed of the actions taken to build trust between the parties and to foster tripartite dialogue.
448. In Case No. 3185 (the Philippines), which concerned allegations of extrajudicial killings of three trade union leaders, the Committee had noted with interest the recent signing of a tripartite manifesto of commitment and collective effort to sustain observance and further improvement in the application of the principles of freedom of association and collective bargaining. It had requested the Government to keep it informed of the outcome of the renewed review of the murders of the three trade union leaders, and of further efforts to ensure a climate of justice and security for trade unionists. The Committee trusted that the national criminal system would be assisted to increase its capacity to collect forensic evidence, so that the lack or retraction of witnesses no longer impeded progress in the investigation and prosecution of cases.
449. Finally, in the case brought by employers' organizations against the Bolivarian Republic of Venezuela (Case No. 2254), the Committee had been obliged once again to deplore the various and serious forms of stigmatization and intimidation by the Venezuelan authorities, groups and organizations directed against FEDECAMARAS, its members, its member organizations, their leaders and affiliated companies. The Committee had insisted on the urgency of the Government taking strong measures to prevent such actions and statements, and to ensure that FEDECAMARAS was able to exercise its rights as an employers' organization in a climate free from violence, pressure or threats of any kind against its leaders and members. Deeply deploring the fact that, once again, the Government had not yet provided the requested plan of action, the Committee had urged it to implement fully and without delay the conclusions of the high-level tripartite mission, which had been endorsed by the Governing Body.
450. Finally, the Chairperson indicated that the Office had completed the review of decisions of the CFA from the period 2006–16 so as to enable the completion of an online version of an updated compilation before the end of the biennium. A final review of the paragraphs that did not require an update would be made by the Committee in March 2018 for a hard copy publication.
451. *The Employer Vice-Chairperson of the Committee* welcomed the progress made in the discussion of the Committee's working methods to improve its operation and tripartite governance. The Employers were highly committed to the process and stood willing to participate actively in suggestions for improvements. He welcomed the update of the compilation of the Committee's conclusions and recommendations, which they would have liked to have included only the most relevant references. A first draft had been circulated internally by the Office with an additional 400 references. The Employers had requested that the Office publication should be confined, so far as possible, to verbatim conclusions and recommendations of cases examined by the Committee. They had presented alternative wording to be considered for non-verbatim references, and the Office had been willing to create an informal tripartite group for that purpose whose work had not yet been completed. The Committee had decided to conclude its assessment of all the non-verbatim paragraphs in time for the March 2018 session of the Governing Body, at which the Employers hoped to present a full report. He welcomed the online database of the Committee's cases.

452. The mandate of the Committee continued to be the subject of discussion, particularly in relation to: its procedures and scope; the interaction between the Committee and other ILO supervisory bodies; the best way to improve the follow-up given to its recommendations; the criteria for the receivability of complaints; and the management of recurring subjects in complaints from the same States. In addition, the Employers had submitted to the Committee a proposal to define a smaller number of principles that reflected the basic principles of freedom of association and collective bargaining, as derived from the ILO Constitution.
453. The Employers supported the preparation of an annual report but stressed that it should not be presented until the mandate of the Committee had been clarified. The CFA examined complaints against ILO member States, whether or not they had ratified the Conventions; in contrast, the other supervisory bodies did so as a follow-up to ratification or to monitor States' observance of ratified Conventions.
454. The significant increase in the number of cases before the Committee (they had doubled in the previous 17 years) made detailed analysis problematic and represented a significant additional workload for the Office. Of the 16 new cases presented to the Committee since its meeting in November 2016, 13 had come from Latin American countries. In order to promote a more balanced geographical distribution of complaints, the Employers encouraged complainants to use national bodies for conciliation and dispute settlement.
455. Among the serious and urgent cases currently before the Committee, he wished to draw special attention to Case No. 2254, in which the Bolivarian Republic of Venezuela had completely departed from the usual manner in which governments replied to the ILO supervisory bodies. It had established, without consultation, bodies that infringed on the freedom of association, such as the General Staff of the Working Class, Workers' Production Boards and Labour Feminist Brigades, all under the guise of a state of economic emergency and through the enactment of exceptional measures. The members of the Workers' Production Boards came primarily from state-run institutions, including the armed forces. The State's very legislation used military language.
456. He drew attention to paragraph 703 of the report as an indication of the Government's uncooperative and aggressive attitude, where it had replied that it did not agree with the conclusions and recommendations of the Committee, which were based on those of the high-level tripartite mission. The Government had once again used its reply to accuse the complainant of links with politically destabilizing activities and had failed to prevent acts of stigmatization and intimidation, establish a plan of action in consultation with the social partners or establish structured bodies for bipartite and tripartite social dialogue. Never before had a Government expressly defied an ILO supervisory body, and there was no procedure to be followed in such instances. The Committee had used the strongest possible language in urging the Government to respect Venezuelan employers' and workers' right to freedom of association, but in vain; he therefore urged the Governing Body to take further steps in that regard.
457. A Worker member of the Committee said that his group had taken note of the process of the office to update the *Digest of decisions and principles of the Freedom of Association Committee* with an electronic version to be available before the end of the year and the publication of a hard copy in March 2018. He stated that the Committee was an integral component of the ILO supervisory system with a clear mandate to examine complaints, including those submitted within the framework of article 24, which had been approved by the Governing Body in 1951. The link with Conventions Nos 87 and 98 was explicit and there was no consensus on changing it. Turning to the seven serious and urgent cases to which the Committee had drawn the special attention of the Governing Body, he said that, in Case No. 2318 (Cambodia), he firmly expected the Government to take swift action in addressing impunity in the country and upholding trade union rights in the garment industry.

With regard to Cases Nos 2761 and 3074 (Colombia), where there were new allegations of violence, the Government should ensure respect for the principle that trade union rights could only be exercised in the absence of violence, pressure or threats against union members. In Case No. 2982 (Peru), failure to convict the guilty parties worsened the climate of violence and impunity and undermined the exercise of trade union rights. With respect to Case No. 3238 (Republic of Korea), responsibility for declaring a strike illegal should lie not with the Government but with an independent, impartial body; governments were, however, responsible for ensuring respect for workers' right to strike in protest against social and economic policies affecting their interests. He requested the Government to take any measures in its power to secure the immediate release of the President of the Korean Confederation of Trade Unions and any other trade unionists who were still in detention. Lastly, in Case No. 3184 (China), the Government should provide the requested observations on the alleged obstacles to the exercise of freedom of association.

- 458.** *Speaking on behalf of the Government members of the Committee* appointed by the Governments of Argentina, Iraq, Lesotho, Nigeria and Switzerland, a Government member from Switzerland said that it was important to proceed with the update of the *Digest*; she was pleased that an online version would soon be available. The Office should continue to support constituents' efforts to resolve problems at the national level, by building the capacities of governments and the social partners. It should also provide members of the Committee with online access to cases as soon as possible, with due regard for their confidentiality, as had been done in other ILO committees.
- 459.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that, while reaffirming his group's commitment to the ILO supervisory bodies and to freedom of association within a framework of tripartite social dialogue, he wished to point out that over 70 per cent of the cases before the Committee concerned States of his region. In light of the ongoing review and strengthening of the standards supervisory system, the subcommittee should continue its preliminary review and identify priority cases based on their seriousness and urgency and on the need for equitable geographical distribution, subject to approval by the Committee as a whole. There was also a need for clear, objective receivability criteria. The Committee should take into account best practices at the national level, including tripartite dispute settlement bodies, and should consider postponing for a reasonable period of time any examination of cases referred to such bodies.
- 460.** He reiterated his group's request that the Committee should address the inconsistency in the classification and status of cases; there was a need for legal certainty as to the length of time during which governments must continue to report to the Committee before a case was closed, and concerning the question of whether a case, once closed, could be reopened if additional information was received, or whether the Committee should open a new case or simply inform the submitting party that the case was no longer being examined. He hoped that his concerns would be reflected in the Committee's subsequent reports.
- 461.** *A Government representative of China* said that his country had the world's largest working-age population, expanding urban employment and a low unemployment rate. His Government had improved its labour laws and regulations and social security system, strengthened law enforcement mechanisms and introduced a new tripartite labour relations mechanism. The legitimate interests of workers were protected, harmonious and stable labour relations had been established, collective bargaining and collective agreements had been steadily promoted, and a system of labour and social security inspections was being applied, with penalties enforced as appropriate. In recent years, the Government, trade unions and employers' organizations had been working to coordinate labour relations, improve tripartite consultation and promote collective agreements. Guidelines on building harmonious labour relations had been issued in 2015, and many of the country's provinces, autonomous regions and municipalities had issued regulations, rules and provisions on

collective bargaining and consultation on issues such as wages, working time and OSH. As at 31 December 2016, collective agreements covering 178 million employees had been approved by the Ministry of Human Resources and Social Security, and a wage increase system prevented and resolved conflicts and promoted enterprise development. Trade unions in China represented some 320 million workers; 28,000 trade unions had been established at the township or community level in 2015, and there were a total of 122,000 regional and sectoral unions. A total of 50 million migrant workers were members of trade unions, an increase of 15 per cent over the previous year.

- 462.** Every State had its own national situation, history and culture; thus, institutional arrangements that worked in one country might not in another. The focus should be on protecting workers and promoting economic and social development. With the approach of the ILO centenary, the international community should take a more inclusive approach and explore new ways to protect workers' rights and achieve social justice.
- 463.** *A Government representative of the Republic of Korea* said that the newly elected Government was working hard to guarantee and promote basic labour rights. It would therefore carefully review the recommendations for Case No. 3238 and strive to implement them where applicable.
- 464.** The Government had investigated the death of Mr Baek Nam-gi and had decided to prosecute those responsible for violations of national laws and the principle of proportionality. Other lawsuits were under way. The point at issue was whether the police had used excessive force against ordinary civilians participating in a rally. The Government's view was that that had no bearing on workers' freedom of association. Accordingly, the Government was disappointed with the Committee's conclusion and recommendations, since it believed that the Committee had made recommendations that were beyond its purview.
- 465.** The Government of the Republic of Korea supported unions' right to peaceful assembly. The trade union leader Mr Han Sang-gyun had been indicted because he had resorted to violence during rallies, and the Supreme Court had found him guilty. Calling for further action, including his release, could undermine the integrity of the judicial system, including the principle of fair trial in the Republic of Korea. The Government did not believe that was the intention of the Committee.
- 466.** *A Government representative of the Bolivarian Republic of Venezuela* stressed the need to remain conciliatory and respectful and to avoid a confrontational debate. It was not usual practice to discuss the report of the CFA at Governing Body sessions. The Chairperson made reference to paragraphs solely for the purpose of adoption; that did not mean that they were accepted. The Government welcomed and respected the CFA and had always provided timely responses to that Committee in connection with Case No. 2254. The business of the current sitting was to adopt the report of the CFA. As usual, the Government's response would be submitted subsequently. As stated in paragraph 703 of the report, his Government had only reserved the right to avail itself of the opportunity to continue reporting on the other conclusions and recommendations of the Committee. The Government had never refrained from providing information in response to the baseless allegations of the Employers. Although it refuted those allegations, the Government would continue to provide any necessary information to the CFA with a view to resolving the case, which was plagued with politicized individual interests.

Decision

467. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–81, and adopted the recommendations made in paragraphs: 104 (Case No. 2318: Cambodia); 118 (Case No. 3121: Cambodia); 134 (Case No. 3212: Cameroon); 170 (Case No. 3184: China); 193 (Case Nos 2761 and 3074: Colombia); 237 (Case No. 3103: Colombia); 301 (Case No. 3238: Republic of Korea); 333 (Case No. 3167: El Salvador); 353 (Case No. 2989: Guatemala); 371 (Case No. 3062: Guatemala); 393 (Case No. 3125: India); 416 (Case No. 3124: Indonesia); 438 (Case No. 3081: Liberia); 454 (Case No. 3126: Malaysia); 463 (Case No. 3076: Republic of Maldives); 488 (Case No. 3163: Mexico); 504 (Case No. 2982: Peru); 518 (Case No. 3173: Peru); 537 (Case No. 3119: Philippines); 560 (Case No. 3185: Philippines); 591 (Case No. 3236: Philippines); 608 (Case No. 3113: Somalia); 625 (Case No. 2949: Swaziland); 667 (Case No. 3196: Thailand); 686 (Case No. 3095: Tunisia); and 710 (Case No. 2254: Bolivarian Republic of Venezuela), and adopted the 383rd Report of its Committee on Freedom of Association as a whole.*

(GB.331/INS/15.)

Sixteenth item on the agenda

International Training Centre of the ILO, Turin

Report of the 80th Session of the Board of the Centre

(Turin, 26–27 October 2017)

([GB.331/INS/16](#))

- 468.** *The Worker spokesperson* said that her group welcomed the discussions held at the 80th Session of the Board of the Turin Centre and thanked the Board for agreeing to a bolder vision statement of the role of the Centre, as set out in the Strategic Plan of the ITC–ILO for 2018–21, clear recognition of the important role of ACTRAV and ACT/EMP in the provision of quality training for workers and employers, and the further disaggregation of indicators under outcome 1 in the Programme and Budget proposals for 2018–19. The vision statement linked the role of the Turin Centre to a number of significant global developments, including the Future of Work Initiative and the 2030 Agenda. She also thanked the Director of the Turin Centre for conducting informal tripartite consultations the previous week, on the basis of a joint Workers’ and Employers’ statement regarding the Strategic Plan 2018–21 and the Programme and Budget for 2018–19. Existing staff vacancies at the Turin Centre should be filled as soon as possible.
- 469.** *The Employer spokesperson* said that the Office and the Turin Centre had clearly taken into account the concerns expressed in the joint Workers’ and Employers’ statement. The agreement reached on the urgent recruitment of an additional Professional staff member to the Programme for Employers’ Activities was highly welcome.
- 470.** *Speaking on behalf of the Government group*, a Government representative of Argentina said that her group fully supported the Strategic Plan 2018–21 and the Programme and Budget for 2018–19, and valued the fact that those documents were better aligned than previous documents with the ILO’s strategic framework and programme and budget. Governments

supported the efforts that the Turin Centre would make to address the concerns expressed by the Workers and Employers during the 80th Session of the Board. The Turin Centre's efforts to improve ILO collaboration with other actors, and to align ILO priorities with the 2030 Agenda, were much appreciated. She welcomed the emphasis placed on the Future of Work Initiative and the ILO centenary, and fully supported efforts made by the Centre to diversify income and improve the coordination of resource mobilization.

- 471.** *A Government representative of Italy* said that his Government welcomed the Strategic Plan 2018–21 and the zero real growth budget of the Programme and Budget for 2018–19. Coordination between the ILO and the Turin Centre should continue to be reinforced. He urged the Turin Centre's management to continue moving towards long-term sustainability by diversifying its income basis and reaching out to other member States and non-traditional donors. The Italian Government attaches great importance to the financial sustainability of the Turin Centre. His Government remained committed to the success of the Turin Centre.
- 472.** *Speaking on behalf of ASPAG*, a Government representative of China welcomed the Strategic Plan 2018–21, particularly the emphasis on aligning priorities with those of the ILO and the 2030 Agenda. As the ILO centenary fell within the period of the Strategic Plan, the follow-up to the ILO Centenary Initiatives, including the Future of Work Initiative, should be taken into consideration. For that reason, ASPAG encouraged the Turin Centre to set its forward-looking agenda well beyond 2019. He supported the efforts by the Turin Centre to engage tripartite constituents in formulating the Programme and Budget proposals for 2018–19. However, it was of concern that, while Worker and Employer representatives from ASPAG countries regularly participated in Turin Centre programmes, Government representatives had made up less than one fifth of all participants in recent years. The Turin Centre should remedy that situation and report to ASPAG on the action taken. The Turin Centre should also develop targeted training programmes to meet the needs of regions and countries, and should work with counterpart training institutions in regions to develop training materials and curricula. The Turin Centre was urged to further mobilize resources, including by developing public–private partnerships.
- 473.** *A representative of the Director-General* (Director, Turin Centre) said that the demands from constituents for training, learning and knowledge sharing in many fields of capacity building were encouraging. The Turin Centre would follow the guidance of the Governing Body to enrich and complete its Strategic Plan 2018–21 and its Programme and Budget proposals for 2018–19. Efforts would also be made to facilitate the participation of the Workers' and Employers' groups in designing and delivering training programmes, in order to further improve their relevance. While the Turin Centre faced many challenges, including increased demands for outreach activities and uncertainty surrounding its operational environment, it would endeavour to address concerns related to staffing and the financial needs of constituents. Moreover, it would further strengthen its partnership with the ILO in order to attain a greater social impact. Board members would be kept fully informed concerning implementation of the Strategic Plan.

Decision

- 474.** *The Governing Body took note of the report contained in document GB.331/INS/16.*

(GB.331/INS/16.)

Seventeenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference ([GB.331/INS/17](#))

- 475.** *The Chairperson* said that he had presided over the meetings of the Working Party on the Functioning of the Governing Body and the International Labour Conference held on 6 and 7 November 2017. His informal report (contained in the document under consideration) was divided into four sections: (a) the composition of the Governing Body; (b) improving the functioning of the International Labour Conference (including a report on the informal tripartite consultations on the working methods of the CAS that had taken place on 4 November 2017); (c) a comprehensive review of the Standing Orders of the Conference; and (d) a review of the role and functioning of Regional Meetings.
- 476.** *A Government representative of Brazil*, recalling that the CAS was a tripartite body, said that the Chairperson of the CAS would be in a good position to include the views of Governments during preparation of the Committee's conclusions. GRULAC had also made two points that were not adequately reflected in the report on the informal tripartite consultations, namely, the proposal that the Governments concerned should be informed in advance of conclusions to be reached by the Committee, and that their representatives should be permitted to make observations before the adoption of conclusions. No consensus had been reached on whether to allow a representative of a Government to speak soon after a conclusion had been adopted. It was important to note that the Working Party proceeded by consensus, not by majority. Furthermore, according to the Standing Orders of the Conference, it was the responsibility of the Chairperson of the CAS to decide who would take the floor; that matter could not be the subject of a decision resulting from informal tripartite consultations.
- 477.** *Speaking on behalf of the Africa group*, a Government representative of Swaziland said that two of the items in the report were of particular interest to his group: the composition of the Governing Body; Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO; and Review of the role and functioning of Regional Meetings. The outcomes of the Working Party in relation to those two items were most welcome.

Decisions

Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO

- 478.** *The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO, including through direct contacts with member States, and to report at the 332nd Session (March 2018) on the results obtained and the feedback from Members concerned on the reasons which prevent or delay such ratification.*

(GB.331/INS/17, paragraph 5.)

**Improving the functioning of the International Labour
Conference: Analysis of the 106th Session (2017)
of the Conference**

479. Following the discussion and lessons learned from the 106th Session of the Conference (June 2017), the Governing Body:

- (a) took note of the successful trialling of the first set of amendments to the Standing Orders of the Conference set out in Appendix II of document GB.329/INS/18;*
- (b) decided to continue to explore further improvements taking into account the discussion in the Working Party;*
- (c) requested the Director-General to prepare for its consideration at the 332nd Session (March 2018) a detailed plan of work for the 107th Session of the Conference (May–June 2018) based on a two-week format.*

(GB.331/INS/17, paragraph 22.)

**Improving the functioning of the International Labour
Conference: Comprehensive review of the
Standing Orders of the Conference**

480. The Governing Body:

- (a) took note of the additional proposed amendments for the simplification and modernization of the Standing Orders of the International Labour Conference;*
- (b) requested the Director-General to undertake inter-sessional email and Geneva-based consultations with the three groups for the purposes of an in-depth review of the proposed amendments and drafting of any additional amendments, as may be necessary;*
- (c) decided that the progress of such consultations be reported to the Working Party at the 332nd (March 2018), 334th (November 2018) and 335th (March 2019) Sessions of the Governing Body with a view to finalizing a comprehensive package of amendments to the Standing Orders of the International Labour Conference for validation by the Working Party and possible approval by the Governing Body in March 2019 as part of the Governance Initiative.*

(GB.331/INS/17, paragraph 26.)

Review of the role and functioning of the Regional Meetings

481. *The Governing Body:*

- (a) *adopted the principle that each member State would be invited as a full Member to only one Regional Meeting with the Governing Body having the discretion of inviting on a case-by-case basis any member State as an observer to other Regional Meetings;*
- (b) *requested the Office to prepare for its consideration at the 332nd Session (March 2018) a consolidated version of the Rules for Regional Meetings and the Introductory note based on the guidance provided during the discussion for adoption and referral to a future session of the Conference for confirmation.*

(GB.331/INS/17, paragraph 41.)

Eighteenth item on the agenda

Report of the Director-General

([GB.331/INS/18\(Rev.\)](#))

Obituary: Mr Jean-Jacques Oechslin

- 482. *The Employer spokesperson* paid tribute to the memory of Mr Oechslin and offered condolences to his family and friends. His passing was a great loss and he would be remembered fondly.
- 483. *The Worker spokesperson* said that Mr Oechslin had been closely associated with the ILO throughout his career. She recalled the key role that he had played in the adoption of the 1998 Declaration and in compiling the annual reviews under the follow-up to the Declaration. Mr Oechslin had been a true believer in the founding values of the ILO. She conveyed her sincere condolences to his family, the IOE and the Employers' group.
- 484. *A Government representative of France* also paid tribute to the memory of Mr Oechslin, who had spent most of his life serving the ILO. Passionate about ILO issues, he had defended the Organization's values with finesse, intelligence and humanity.
- 485. *The Director-General*, on behalf of the Office and on his own behalf, also paid tribute to Mr Oechslin, who had been one of the giants of the Organization. Probably as much as anybody in history, he had been responsible for interweaving the histories of the IOE and the ILO. His role was best reflected in the fact that he had been elected at different moments Chairperson of the Governing Body and also President of the International Labour Conference in a particularly important year. His dedication and his very personal commitment to the ILO had also been demonstrated after his retirement, when he had founded the French Association for the International Labour Organization, which had reinforced the historic links between France and the ILO. He expressed the Office's deep sympathy and condolences to Mr Oechslin's family and to his son, Eric, who was known in the Organization not only as a friend but also as a colleague.

Decision

- 486.** *The Governing Body invited the Director-General to convey its condolences to the family of Mr Oechsli, to the International Organisation of Employers (IOE) and to the Movement of French Enterprises (MEDEF).*

(GB.331/INS/18(Rev.), paragraph 6.)

Membership of the Organization, progress in international labour legislation and internal administration

- 487.** *The Worker spokesperson welcomed the information about the 25 new ratifications of Conventions and the eight new ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930. She also welcomed the entry into force of the amendments to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), further to their adoption by the International Labour Conference at its 105th Session (June 2016).*

Outcome

- 488.** *The Governing Body took note of the information contained in document GB.331/INS/18(Rev.) concerning membership of the Organization, progress in international labour legislation and internal administration.*

(GB.331/INS/18(Rev.).)

First Supplementary Report: Follow-up to the ILO Centenary Initiatives ([GB.331/INS/18/1](#))

- 489.** *The Employer spokesperson said, with regard to the Enterprises Initiative, that implementing the strategy for wider ILO engagement with the private sector, adopted by the Governing Body at its 321st Session (June 2014), was a priority. The key was for the ILO to understand what challenges enterprises faced and to engage in exchanges of information to assist the Office to achieve its goals. As agreed in the strategy, ACT/EMP should be the entry point for private sector engagement and was responsible for sharing information with enterprises and for liaising with the IOE and national employers' organizations; regrettably, the procedures in that regard were still not being fully respected. The new ILO register of enterprises could be an important tool to ensure transparency and coordination across the Office. Collaboration with individual enterprises should not be used as a way to set policies or to change an existing policy approach that had been agreed upon by the tripartite constituents and the Office should avoid becoming a consulting firm for individual enterprises. The purpose of engagement was to help the ILO meet its objectives.*
- 490.** *Concerning the programme of action on decent work in global supply chains and the corresponding roadmap, it was of paramount importance to maintain and reinforce the tripartite consensus achieved during the discussion of global supply chains at the 105th Session (June 2016) of the International Labour Conference and to take an approach that was in line with the UN Guiding Principles on Business and Human Rights. Despite the strong divergent views on the issue, an extraordinary joint effort between the Employers and*

Workers had made it possible to provide guidance to the Office on how to develop the roadmap. However, the process was still less than satisfactory. Although agreement had been reached on some important Employer concerns, the programme of action and the roadmap still took an unbalanced approach towards some deliverables, where global supply chains were described as if they were drivers of decent work deficits. That was the case with certain other Office reports and papers as well, including the ILO submission to the G20 in February 2017, which had included an annex on living wages in the context of global supply chains. Such an approach had to stop. Furthermore, despite an agreement on the matter, the Office had not included as a focus in its research the specific challenges relating to decent work in global supply chains. He expressed concern about the lack of information on the cost of the programme of action and on the budgetary impact of the Initiative on other ILO projects.

491. Regarding the End to Poverty Initiative, he reiterated his group's support for cooperation between the ILO and the UN, particularly with regard to alignment with the 2030 Agenda. It was essential to refocus DWCPs to guarantee the participation of constituent processes. The Decent Work for Sustainable Development Resources Platform should help in that respect. The need to strengthen national capacities in the fight against poverty according to countries' priorities would be raised in the forthcoming Conference discussion on effective ILO development cooperation. Effective participation of the private sector was also essential. Partnerships linked to Goal 8 and other decent work-related targets should be well built and pursued with clear objectives, but a simple governance structure should be maintained to reduce bureaucracy and unnecessary costs and avoid duplication. The Global Deal mentioned in the document had not yet been endorsed by the Governing Body. Noting with satisfaction the Office's work to ensure that the ILO would assume the custodianship of some of the SDG indicators, he said that efforts should now be made to ensure that the methodology used enjoyed tripartite endorsement.
492. With regard to the Green Initiative, his group could in principle support the activities mentioned for the coming biennium. However, the ILO had more value to add in the area of employment and decent jobs. All activities needed to be taken from that angle to avoid duplication with other international organizations. Furthermore, the ILO should provide reliable, real-time, finely tuned, holistic and dynamic data on future skills in a green economy, as an immediate priority, and working with the Turin Centre.
493. Recalling that his group had called on the ILO to take a more holistic, ambitious and practical approach in respect of the Women at Work Initiative, he welcomed the steps suggested by the Office under that Initiative. He noted in particular the work done by ACT/EMP on women in business and management; a follow-up report on that issue would be instrumental to better understanding gender stereotypes. He supported the three angles suggested, namely research, consultations and advocacy, and called for greater support for the programmes offered by the Turin Centre on strengthening the managerial and training skills of women. The Initiative should be forward-looking and focus on future skills needs, demographic challenges, the role of women in the labour market, the increasing demand for flexible working arrangements and the importance of economic empowerment.
494. On the Future of Work Initiative, he said that discussions should focus less on traditional thinking and more on evidence and practical cases, with a view to demonstrating the relevance of the ILO for the next 100 years. Further work was needed in respect of future skills and the Turin Centre should be involved in the process. Particular attention should be given to the evolution of the employment relationship and practical lessons in the fight against informality. The Initiative was already being discussed in various forums at the national and international levels. Referring to the Global Commission, he said that commissioners would need to demonstrate ambition, encourage exchange on new realities, challenges and policies and not be trapped in old ways of thinking. While their autonomy to decide how they wanted to frame their contributions must be preserved, the final contribution

must reflect the tripartite constituents' concerns and expectations. Continuous interaction between the tripartite constituents and the Commission was therefore essential. He supported the draft decision.

495. *The Worker spokesperson*, referring to the Enterprises Initiative, observed that the changes made to the fifth edition of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy had been much more substantial than in the past. The MNE Declaration should therefore be promoted as a truly innovative approach and framework for engagement through the various follow-up mechanisms. Reiterating the comments made by her group in March 2017, she stressed that engagement with enterprises should not be considered purely as an employer activity and that the added value of the ILO was to strengthen social dialogue in areas relevant to business and unions, and to build mature industrial relations in a specific company, sector or supply chain. Enterprises engaging with the ILO should have to make a commitment to promote decent work and engage with trade unions. Those points should be included in the work of the Enterprises Initiative and reflected in the progress report that would be submitted to the March 2019 session of the Governing Body.
496. In response to remarks made by the Employers' group, she said that as the MNE Declaration addressed the issue of wages, it was appropriate to have raised the issue of living wages in the submission to the G20. Furthermore, although some aspects of the programme of action on decent work in global supply chains had initially been unsatisfactory, the document was no longer unbalanced. A lot of time had been spent with the Employers and the Office to improve it. She expressed concern at the persistent lack of trust on the part of the Employers and was not ready to reopen the debate again on the document. She hoped that ultimately the work on global supply chains would be fruitful.
497. On the End to Poverty Initiative, she welcomed the technical assistance provided to countries in respect of labour force surveys and the submission of data relating to SDG indicators. The added value of the ILO, namely international labour standards and tripartism, should be reflected in all activities relating to the implementation of the 2030 Agenda. The Office must train social partners to participate in national reviews of the SDGs, strengthen its input regarding compliance with international labour standards and launch an Alliance 8.8 on labour rights. She welcomed ILO participation in the Inter-agency and Expert Group on SDG indicators; the fact that it had been entrusted with a number of those indicators demonstrated its success in mainstreaming decent work in the SDGs.
498. The Workers welcomed the priorities outlined for the Green Initiative for the coming biennium, in particular the increased support provided to member States on just transition issues. A focus on promoting national social dialogue and involving the social partners in technical and policy debates was vital. Activities at the country level should be carried out in full consultation with the social partners and full use made of the 2015 ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. Consideration should be given to how existing ILO standards could be used in the just transition. A future standard on just transition would enhance ILO efforts and visibility in that area.
499. Her group also welcomed the choice of the Women at Work Initiative as the subject of the Director-General's Report to the 2018 session of the Conference, the launch in March 2018 of a major report on the care economy and the focus on gender wages and earning inequalities in the ILO *Global Wage Report for 2018–19*. It was also important to address the protection of women who faced multiple forms of discrimination. Welcoming the preparations for the discussion in 2018 on a new standard on violence against women and men in the world of work was a positive step; she said that the Workers were in favour of a Convention on that subject, supplemented by a Recommendation.

- 500.** Her group endorsed the establishment of the Global Commission. In the lead-up to 2019, it would be important to ensure the engagement of constituents at the national level and to offer possibilities such as subregional and regional discussions involving sectoral perspectives. The Workers supported the draft decision.
- 501.** *Speaking on behalf of ASPAG*, a Government representative of Australia welcomed the establishment of the Global Commission and looked forward to discussing the outcomes of its first meeting and to receiving regular updates through the Governing Body. ILO constituents should be engaged in the discussion and have the opportunity to shape the programme of work. The other Centenary Initiatives should receive equal prominence. It was not apparent that progress had been achieved on the Women at Work Initiative. Empowering women was critical for the ILO's future agenda, including at the regional level, and the Office should use the centenary to generate action-oriented activities to drive change for female workers. The Office should provide further information on the workplan to guide the development and vision of the initiatives leading up to the centenary, conduct further research into the initiatives, taking into account the different circumstances of countries, and disseminate the findings.
- 502.** *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that his group appreciated the efforts to evaluate the Social Justice Declaration and noted progress made towards implementing the structural reforms of the Governing Body and the International Labour Conference. Discussions on the functioning of Regional Meetings should be held during the current Governing Body session. Steps taken to implement the Enterprises Initiative were welcome. With regard to the End to Poverty Initiative, more technical assistance should be provided to countries to help improve labour force surveys and better monitor implementation of the SDG indicators. His group supported the draft decision.
- 503.** *Speaking on behalf of IMEC*, a Government representative of Switzerland commented that the integration of the Centenary Initiatives into the strategic plan and the programme and budget would need to be sustained over time in order to influence future ILO activities. He noted with satisfaction that the Enterprises Initiative had permitted the ILO to step up cooperation with the private sector, and welcomed measures taken in the follow-up to the Conference discussion on decent work in global supply chains. He highlighted the importance of the ILO's involvement in partnerships to ensure the universality and impact of the 2030 Agenda, and of the ILO's objective of social justice and decent work, and requested further details on the actions proposed for the Women at Work Initiative. The Initiative should focus on family-friendly employment policies, labour legislation and community services. With regard to the Green Initiative, he underlined the need to support the capacity to undertake social dialogue to address the challenges of just transition. The Office should prepare an evaluation report with regard to the Centenary Initiatives for the November 2019 session of the Governing Body.
- 504.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Serbia, Albania, Bosnia and Herzegovina, and the Republic of Moldova aligned themselves with the statement. Noting that the Future of Work Initiative was the most critical initiative, she stressed the need for the Global Commission to be as transparent as possible and for all constituents to be kept informed about the process and results of its work. She therefore welcomed the establishment of an online platform to report on the Commission's work. However, more clarity was needed on the process and time frame. She supported the future activities under the Women at Work Initiative, and looked forward to the Director-General's Report to the 2018 session of the Conference. With regard to the Enterprises Initiative, she welcomed the development of different networks to engage the private sector, and supported the ILO's joint work with the OECD on responsible supply chains in Asia. She was satisfied that the End to Poverty Initiative supported the ILO's

contribution to the implementation of the 2030 Agenda, and stressed the role of the work undertaken on SDG indicators and preparations for the 20th International Conference of Labour Statisticians in 2018. Regarding the Green Initiative, she welcomed the preparations for the entry into force of the Paris Agreement and encouraged the ILO to develop further partnerships in that area.

505. *A Government representative of Germany* stressed the ILO's agenda-setting role with a view to the future of work and highlighted the overarching function of the Future of Work Initiative in relation to the ILO's other Centenary Initiatives. On the occasion of the ILO's centenary it is also important to renew the ILO's agenda-setting role, to adapt its agenda and topics to changing and new requirements, to "translate" them to the future world of work in practice and to place them in a current context. The Declaration of Philadelphia could serve as a good basis in that regard.
506. *A Government representative of Italy* emphasized the importance of a proactive approach to the challenges of a rapidly evolving labour market. Referring to the Future of Work Initiative, he said that achieving the ideals of a future world of work and the SDGs were inextricably interlinked. He welcomed the outreach activities envisaged for the Global Commission, such as its online platform. As skills enhancement, active labour policies and training activities played a central role in moving towards the future of work, more public and private funding should be secured for the Turin Centre.
507. *A Government representative of Argentina* said that holding national dialogues was fundamental to the process of defining the role of the ILO in the future of work. It was vital to strengthen the engagement of the tripartite constituents in the Global Commission. She supported the draft decision.
508. *A Government representative of France* said that, for the ILO to embrace opportunities and face challenges, the Organization must refer to the Declaration of Philadelphia. Her Government supported the adoption by the ILO of an instrument that offered constituents guidance on the implementation of the fundamental principles of the Declaration while addressing major changes currently taking place in the world of work. The true challenge facing the ILO as it approached its centenary was to demonstrate that it was willing and able to put the message of the Declaration of Philadelphia firmly into practice.
509. *A Government representative of India*, noting the progress made under the End to Poverty Initiative, said that poverty alleviation remained India's prime goal. He welcomed the ILO's new partnerships and proposed activities under the Initiative, but advised it to be cautious in its alliances and to ensure that methodology and database issues were well established and that wide consultations were held with national governments and the social partners. Compliance with the SDGs had to be nationally driven and indicators nationally determined and reviewed. With regard to the Green Initiative, the ILO must intensify its research into identifying sectors that would be most adversely affected, and should provide technical assistance to countries carrying out research. The Enterprises Initiative should take into account new challenges such as new forms of employment leading to enterprises distancing themselves from skills development. The role of the private sector in employment generation should also be taken into account. As for the Women at Work Initiative, while it was imperative to identify sectors that were more favourable to the employment of women, it was also important to promote a gender-neutral employment market and to address the larger concentration of women in the informal economy.
510. *A Government representative of Australia* said that she welcomed the focus on the significance of governance and supervisory reforms in the Centenary Initiatives. The ILO and other organizations in the United Nations system should make gender issues a permanent priority and gender awareness should be incorporated into all aspects of their work. The ILO

must seize the centenary as an opportunity to demonstrate leadership on many issues that would result in real and tangible improvements for women at work worldwide.

511. *A Government representative of Sweden* said that her Government had consulted international and national trade unions and employers' organizations, the most representative employers' organizations in Sweden and the relevant social partners on the Global Deal, as had previously been accepted by the Employers' group. In that regard, she referred the Employer representative to the information contained in the first sentence of paragraph 128 of document GB.328/PV. She looked forward to further engagement with the social partners at the international and national levels.
512. *The Director-General* noted that the strong interest and support expressed for the seven Centenary Initiatives in the Governing Body indicated the importance of progress in those areas for the ILO up to and beyond its centenary. They had been satisfactorily integrated into the Office's programming mechanisms and the Office would pay due attention to the deep interlinkages between them. The Office was working hard to comply with the procedural modalities for implementing the Enterprises Initiative and would address any issues brought to its attention in that regard. The Enterprises Initiative had been designed in response to criticism that the ILO failed to interact sufficiently with individual enterprises, but there was no question of enterprises becoming a fourth constituent of the ILO, or in any way impinging upon the mandate of the Employers' group. The boost given to the visibility and importance of the Green Initiative by the conclusion of the Paris Agreement showed that the Governing Body had been wise to make a just transition to environmental sustainability a cross-cutting policy driver in the programme and budget for the upcoming biennium. Similarly, the alignment of the programme and budget with the delivery of the 2030 Agenda placed the ILO's End to Poverty Initiative at the centre of efforts to that end. The Workers could rest assured that the Office was striving to secure real tripartite involvement in the delivery of the Agenda at the national level.
513. The Office would concentrate on giving each of the Initiatives an integral identity while extracting maximum value from the interactional linkages between them, and his report to the 2018 International Labour Conference would focus on how to do so with regard to the Women at Work Initiative. The ILO's alliances and partnerships furthered issues which were among the Organization's priorities, in accordance with the instruction and the views of the Governing Body, and hence there was no danger of it straying into areas of which the Governing Body would disapprove. The Global Commission had devoted considerable time at its first meeting to the subject of outreach and had decided that an interactive online platform should be put in place to enable communication between the member States and the Global Commission, as well as that outreach should be conducted regarding other actors, and in particular other international and regional organizations. Guidance concerning the design, format and outcome of the 2019 International Labour Conference would be welcome, in particular with regard to the Future of Work Initiative. The Office had established an in-house task force to service the Global Commission and another to plan the centenary year. Although the Conference would be the high point, the Office wished to engage with member States with regard to possible activities to be carried out at the national level and at headquarters throughout 2019. The ILO staff were fully aware of the role they were called upon to undertake and performed their duties in a spirit of responsibility and objectivity.
514. *The Chairperson* said that, at the first meeting of the Global Commission, its ex officio members had stressed the importance of linkage with the Governing Body and with the constituents.
515. *The Employer spokesperson* thanked the Director-General for his clarity and reassurance with regard to the Office's interaction with enterprises. He said that the Employers had not

been consulted by the Government of Sweden on the Global Deal. The term “cost of living”, as employed in Article 3(a) of the Minimum Wage Fixing Convention, 1970 (No. 131), could by no means be equated with a living wage; an issue on which no agreement had been reached. Indeed, the MNE Declaration, like the Convention, referred to the “cost of living” and not to a living wage. It was important to make certain that there was coherence between the MNE Declaration, ILO activities and the UN Guiding Principles on Business and Human Rights.

- 516.** *The Worker spokesperson* said that the question of a living wage was currently being debated throughout the world of work and could legitimately be addressed by the ILO in the context of the G20. She asked the Office to confirm that the Declaration of Philadelphia referred to that notion. A wage that covered, among other things, the cost of living, was surely one on which a worker could live. Lastly, the follow-up to the global supply chain debate was of great importance and all the parties concerned should adopt a positive approach to it.
- 517.** *The Director-General* said that reference in the Preamble to the ILO Constitution “the provision of an adequate living wage” had given the Office grounds to employ that term in a report on living wages submitted to the G20 at the express request of the Government of Germany.

Decision

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

- (a) to take account of its guidance with regard to the Centenary Initiatives, and to facilitate the strong involvement of constituents in their implementation;*
- (b) to submit a report on progress at its 334th Session (October–November 2018).*

(GB.331/INS/18/1, paragraph 26.)

Second Supplementary Report: Follow-up to Governing Body decisions ([GB.331/INS/18/2](#))

- 519.** *The Employer Vice-Chairperson* said that his group supported the draft decision.
- 520.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that his group attached great importance to the report under consideration and welcomed the adjustments made in response to the decision taken at the 323rd Session (March 2015). Shortening the reporting periods had made the document far more readable and showed more clearly what follow-up had been given or was envisaged on Governing Body decisions. The report should continue to be concise and concentrate on providing a clear update on the implementation status of decisions. It had been wise to retain the standing agenda items that were either reported on annually or on a regular basis. The current format provided accountability regarding follow-up actions and provided the Governing Body with the necessary assurance that decisions were being implemented efficiently. His group supported the draft decision.

Decision

521. *The Governing Body requested the Office to prepare, for its 334th Session (November 2018), a supplementary report on the follow-up to the decisions adopted since November 2016.*

(GB.331/INS/18/2, paragraph 5.)

Third Supplementary Report: Documents submitted for information only ([GB.331/INS/18/3](#))

Decision

522. *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.331/INS/18/3.*

(GB.331/INS/18/3, paragraph 4.)

Fourth Supplementary Report: Appointment of a Deputy Director-General and an Assistant Director-General ([GB.331/INS/18/4](#))

Decision

523. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Moussa Oumarou as Deputy Director-General for Field Operations and Partnerships, with effect from 1 January 2018, and Ms Cynthia Samuel-Olonjuwon as Regional Director for Africa at the Assistant Director-General level, with effect from 10 November 2017. Mr Oumarou and Ms Samuel-Olonjuwon made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.331/INS/18/4, paragraph 4.)

Nineteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Representation alleging non-observance by Peru of the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 24 of the ILO Constitution by the Union of Workers of the Social Health Insurance Scheme (CUT-EsSalud)
(GB.331/INS/19/1)

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

Decision

524. In the light of the information presented in the report contained in document GB.331/INS/19/1, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.331/INS/19/1, paragraph 5.)

Second report: Representation alleging non-observance by Romania of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Federation of Trade Unions of Romanian Pathologists (FSMAPR)
(GB.331/INS/19/2)

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

Decision

525. In the light of the information presented in the report contained in document GB.331/INS/19/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.331/INS/19/2, paragraph 5.)

Twentieth item on the agenda

Programme, composition and agenda of standing bodies and meetings (GB.331/INS/20)

Decisions

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

526. *The Governing Body, on the recommendation of its Officers, reappointed the following members of the Committee of Experts on the Application of Conventions and Recommendations for a period of three years:*

- *Mr Shinichi Ago (Japan);*
- *Ms Lia Athanassiou (Greece);*
- *Mr Lelio Bentes Corrêa (Brazil);*
- *Mr Rachid Filali Mekkassi (Morocco);*
- *Mr Abdul Koroma (Sierra Leone);*
- *Mr Vitit Muntarbhorn (Thailand);*
- *Mr Paul-Gérard Pougoué (Cameroon);*
- *Ms Deborah Thomas-Felix (Trinidad and Tobago);*
- *Mr Bernd Waas (Germany).*

(GB.331/INS/20, paragraph 1.)

Meeting of Experts in Preparation for the 20th International Conference of Labour Statisticians (Geneva, 5–9 February 2018)

527. *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:*

- *International Organisation of Industrial, Artisanal and Service Producers' Cooperatives (CICOPA);*

- *Women in Informal Employment Globalizing and Organizing (WIEGO).*

(GB.331/INS/20, paragraph 5.)

**Meeting of Experts to adopt Guidelines on Social
Dialogue in Public Emergency Services**

(Geneva, 16–20 April 2018)

528. *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:*

- *African Training and Research Centre in Administration for Development (CAFRAD);*
- *Asian Association for Public Administration (AAPA);*
- *Association of Labour Relations Agencies (ALRA);*
- *Cooperative for Assistance and Relief Everywhere (CARE);*
- *Council of European Municipalities and Regions (CEMR);*
- *European Public Administration Employers (EUPAE);*
- *European Public Administration Network (EUPAN);*
- *European Public Service Union (EPSU);*
- *Global Network of Civil Society Organisations for Disaster Reduction (GNDR);*
- *International Federation of Red Cross and Red Crescent Societies (IFRC);*
- *Latin American State Workers' Confederation (CLATE);*
- *Médecins Sans Frontières (MSF);*
- *Public Services International (PSI);*
- *Save the Children International;*
- *Trade Unions' National and European Administration Delegation (TUNED);*
- *United Cities and Local Governments (UCLG);*
- *World Vision International;*
- *World Wildlife Fund (WWF).*

(GB.331/INS/20, paragraph 9.)

**Programme of meetings for the remainder
of 2017 as well as for 2018 and 2019
and advance information for 2020**

529. *The Governing Body took note of the Programme of meetings set out in Part II of document GB.331/INS/20, as approved by its Officers, subject to decisions yet to be adopted, as described in the footnotes.*

(GB.331/INS/20, paragraph 10.)

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Outcome 2: Ratification and application of international labour standards ([GB.331/POL/1](#))

530. *The Employer spokesperson* said that his group had expected that document GB.331/POL/1 would contain more detailed information on the implementation of outcome 2. Any Office strategy concerning the ratification and implementation of international labour standards should be designed to strengthen tripartite support for the standards supervisory system and ensure up-to-date standards protecting workers and taking into account the needs of sustainable enterprise. An Office strategy on outcome 2 should keep in mind that balanced objective. The activities of the Standards Review Mechanism Tripartite Working Group (SRM TWG), as described in paragraphs 8–10, were of paramount importance to the ILO’s work on international labour standards. The results achieved at the Working Group’s meetings should be acknowledged and used to improve the Standards Review Mechanism (SRM). The information contained in paragraph 11 on the campaign for the universal ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), was welcome. However, meaningful tripartite consultation required effective freedom of association and strong, competent and fully independent employers’ and workers’ organizations. In order to comply with Convention No. 144, the necessary conditions should be created for such organizations to operate. Holistic national action plans on the ratification, application and reporting of international labour standards and their integration into Decent Work Country Programmes (DWCPs) must fully reflect national tripartite constituents’ needs and must not be imposed on member States. Additional detailed information on the Office’s approach in that regard would be welcome. The Office should systematically involve Bureau for Employers’ Activities (ACT/EMP) and Bureau for Workers’ Activities (ACTRAV) in devising balanced policies and action plans in the field in question. It would be wise for all ILO constituents to participate in and contribute to the discussion on the implementation of the workplan for strengthening the supervisory system that would be held later during the current session of the Governing Body.

531. The Employers were in favour of building closer synergies between the work of the supervisory bodies and the follow-up assistance provided by the Office. The Office had an important role to play in securing full respect for the tripartite consensus reflected in the conclusions of the Committee on the Application of Standards (CAS). The inclusion in the follow-up of other potentially contentious matters not covered by the conclusions could jeopardize the success of follow-up assistance as a whole. It was vital that ACT/EMP and ACTRAV should be systematically involved in work to support labour legislation reforms at the national level. The Director-General might wish to consider issuing detailed guidelines or instructions on involving ACT/EMP and ACTRAV in all standards-related Office activities under outcome 2. His group wished to learn more about the new outcome coordination teams and global technical teams. It welcomed the information on the impact of development cooperation projects contained in paragraph 20 and requested additional information on their outcomes. The International Training Centre of the ILO should be provided with increased financial and human resources to enable it to carry out capacity-building and awareness-raising activities on standards. ACT/EMP and ACTRAV must be involved in the selection of topics and approaches and the identification of audiences

for those activities. Specialists from both of those bureaus should participate in delivering training on the implementation of outcome 2. Target audiences must be made aware that international labour standards had to strike a balance between the protection of workers and the need for employment creation through sustainable enterprises. Highlighting that outcome 2 should be implemented in a way that reflected the views and requirements of both the employers and the workers, he said that his group supported the draft decision.

- 532.** *The Worker spokesperson* said that greater efforts had to be made to ensure coherence between action taken at the global and national levels to promote a virtuous cycle between the ILO's normative function, DWCPs, technical assistance and development cooperation. More must be done to promote the ratification and implementation not only of fundamental and governance Conventions, but also of up-to-date technical standards, in line with the rationale for the cross-cutting policy driver on international standards. It was expected that such an approach would deliver higher ratification rates in the coming years.
- 533.** Turning to the different elements of the strategy, he welcomed the development of holistic national tripartite policies on international labour standards, their integration into DWCPs and the continuation of that work in the next biennium in order to guarantee sustainability in the follow-up to the recommendation of the SRM TWG. A better way must be found to use DWCPs to increase international labour standard ratification rates. Member States that had not ratified Convention No. 144 should do so as a matter of priority. It was important that governments complied with the requirements of Article 5(1)(c) of that instrument. The Office should intensify its efforts to ensure that international labour standards were mainstreamed into all development cooperation programmes. That was an issue which must be addressed at the 107th Session (2018) of the International Labour Conference in order to ensure that a rights-based approach to development was enshrined in the 2030 Agenda for Sustainable Development (2030 Agenda). The Office must strengthen the synergies between the recommendations of the ILO supervisory bodies and the technical support provided at country level and continue to work closely with ACTRAV, ACT/EMP and the corresponding Workers' and Employers' secretariats when organizing CAS follow-up missions. Member States, in consultation with social partners, should continue to seek ILO technical assistance when undertaking labour law reform to ensure compliance with international labour standards. He asked whether the revised guidance on the preparation of DWCPs covered the ratification of international labour standards. The International Training Centre of the ILO should ensure that judges and legal professionals at the provincial and other levels benefited from training which would strengthen their capacities to make use of international labour standards. In fact, all training activities at the Centre and elsewhere, as well as staff training at every level, including that of new recruits, should cover international labour standards. The personnel of United Nations agencies and resident coordinators, as well as the staff of other international and regional institutions should also be trained in the standards. His group appealed to donors to provide enough funding to guarantee that the goals set under outcome 2 and the recommendations of the evaluation of international labour standards submitted to the Board of the Turin Centre would be achieved. He supported the draft decision.
- 534.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that providing member States with the knowledge and tools to ratify, apply and give effect to international labour standards was crucial, given the challenges facing member States when adopting a rights-based approach to inclusive and sustainable development. Political and financial constraints and a breakdown in social dialogue meant that many people were either only partially or not at all covered by those standards. The ILO was to be commended on its implementation of the objectives of outcome 2. Efforts to increase coherence between the ILO's normative function, DWCPs, technical assistance and development cooperation, including through active engagement with the tripartite constituents, could help shape the strategy for outcome 2 in 2018–19. She welcomed the ongoing work through development

cooperation in four Asian countries with the support of the European Commission on addressing the comments of the ILO supervisory body on fundamental Conventions. The expansion of those projects would give more member States access to practical measures to link guidance provided by the supervisory system with country-level support. The Office should continue to prioritize work related to outcome 2 in light of the recent increase in demand. Her group welcomed the capacity-building work carried out in 2016–17 in collaboration with the International Training Centre of the ILO, on account of its scope and geographical reach, and the focus on facilitating the promotion, ratification and application of international labour standards through training at the regional level. As the strategies implemented under outcome 2 were central to several centenary initiatives, the continued leadership of the ILO in that regard was vital. Her group supported the draft decision.

- 535.** *Speaking on behalf of the Africa group*, a Government representative of Senegal said that the Office should: redouble efforts to develop close cooperation at the global, regional and national levels; increase the ownership and implementation of international labour standards in order to link measures taken at the international and country levels; and take full advantage of the opportunities arising from the implementation of DWCPs and technical assistance and cooperation. The numerous measures taken under the SRM and the follow-up to the recommendations of the SRM TWG were commendable. His group supported Office initiatives designed to strengthen the authority and effectiveness of the ILO supervisory system. To that end, as a part of its technical assistance, the Office should put together specific training programmes for countries which are regularly the subject of observations from the Committee of Experts on the Application of Conventions and Recommendations (CEACR). Such programmes should be targeted towards labour inspectors and judicial officials in particular and should seek to establish a strong link between the observations of the supervisory bodies and assistance provided by the Office. His group supported the draft decision.
- 536.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway and the Republic of Moldova. She agreed with the three priorities for 2016–17 in the ILO's standards-related action. The document should have made references to the conclusions of the International Labour Conference, particularly on fundamental principles and rights at work. It was essential to ensure coherence between actions at the global and the national levels. The failure of many DWCPs to set at least one priority which would directly influence the realization of fundamental principles and rights at work was therefore a missed opportunity to join forces on a core purpose of the ILO. For that reason, she supported the two means of action to support member States and align with the 2030 Agenda. The first outcomes of the SRM TWG were promising with regard to promoting engagement in and ownership of the standards system. Since it was unclear whether Convention No. 144 was the only Convention to be specifically promoted, it would be helpful to have an overview of: the ratification campaigns already undertaken for specific instruments; the promotion of specific instruments included in recent Conference conclusions; and the promotional activities stemming from the outcomes of the SRM. The follow-up to the outcomes of supervisory bodies was welcome, especially the assistance provided at the country level with respect to ratifying fundamental Conventions. The actions taken to enhance constituents' capacity to implement international labour standards were likewise commendable. The role played by the International Training Centre of the ILO in that respect was crucial. Nevertheless, more progress was needed towards integrating labour standards as cross-cutting policy drivers in all the training courses offered by the Centre. She asked whether there were any plans for a course covering all four categories of fundamental principles and rights at work. Lastly, she observed that enforcement aspects were not clearly addressed in the report. She agreed with the draft decision.

- 537.** *A Government representative of Thailand* expressed appreciation for the Office's technical assistance with the ratification and implementation of one fundamental and two technical Conventions, as a result of which his country's legal and regulatory framework had been strengthened. Thailand supported the draft decision.
- 538.** *A Government representative of the Russian Federation* said that her country had ratified over 80 ILO Conventions all of which had been incorporated into Russian law. The Office's activities to promote the ratification and application of international labour standards were greatly appreciated. She supported the draft decision.
- 539.** *A Government representative of India* said that it was important to ensure that the process of rationalizing and updating labour standards through the SRM did not create gaps in protection. Adequate recognition of the national labour legislative framework would not only encourage countries to update and strengthen their own systems, but would also ease the pressure on the supervisory mechanism. DWCPs were a useful channel for implementing the Standards Initiative. India supported the draft decision.
- 540.** *A Government representative of Japan* emphasized the importance of effective implementation by member States of international labour standards. In that respect, the integrated approach between supervisory bodies, development cooperation and training at the International Training Centre of the ILO were remarkable steps to be continued in the next biennium.
- 541.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the Office strategy on outcome 2 rested on the full engagement of Employers and Workers through tripartite consultation and hence there was very close collaboration with ACT/EMP and ACTRAV. Referring to a comment about a lack of detail in the document before the Governing Body, she explained that those details would be provided in the implementation report for the Programme and Budget for 2016–17, hence the focus of the document on the strategy. Responding to questions raised, she confirmed that a training course addressing all four categories of the fundamental principles and rights at work was currently being developed. With respect to data on ratification, results achieved would be aggregated and released at the end of the biennium. The results would be reported as combined results rather than under a specific outcome. She also confirmed that revised guidelines on DWCPs would include standards ratification as part of action plans on international labour standards.
- 542.** *The Worker spokesperson* supported the suggestion to extend the campaign for ratification of Convention No. 144 to include all the governance Conventions, namely the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Decision

- 543.** *The Governing Body requested the Director-General to take account of its guidance regarding the implementation of the strategy for outcome 2 of the Programme and Budget for 2016–17, in order to inform the implementation of outcome 2 for the next programme and budget.*

(GB.331/POL/1, paragraph 31.)

Second item on the agenda

Outcome 8: Protecting workers from unacceptable forms of work

(GB.331/POL/2)

544. *The Worker spokesperson* said that the concept of unacceptable forms of work had been introduced within the context of area of critical importance 8 in the Programme and Budget for 2014–15 and was also included in the Programme and Budget for 2016–17 and 2018–19. His group agreed that work situations that denied fundamental principles and rights at work, or that put at risk the lives, health, freedom, human dignity or security of workers, or subjected their households to conditions of poverty, were unacceptable, and efforts for their eradication should be a priority; that would also greatly contribute to the realization of a number of Sustainable Development Goals (SDGs). As enabling rights, freedom of association and collective bargaining should be given particular attention in the strategy for outcome 8. The focus on domestic workers and migrant workers was welcome; linkages should also be made with other Office work, including the follow-up to the resolution concerning fair and effective labour migration governance, the implementation of the 2016 *General principles and operational guidelines for fair recruitment*, and promotion of the ratification and implementation of ILO Conventions on migration. All countries that had benefited from ILO assistance in paving the ground for the ratification of the Domestic Workers Convention, 2011 (No. 189), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), should shortly ratify those Conventions and ensure their effective implementation. The approach to organizing workers facing unacceptable forms of work would require innovative strategies and should involve ACTRAV. In the next biennium, the Office should create synergies with outcomes 6 and 3. While welcoming the Office's support to member States in addressing the issues raised by the supervisory bodies, he invited the Office to better use DWCPs to promote the ratification and implementation of relevant Conventions, particularly the universal ratification of core Conventions, taking into account the fact that Conventions Nos 87 and 98 were the least ratified.
545. The recent publication of estimates on global and regional child and forced labour was welcome; the Office should also publish data on non-discrimination, freedom of association and collective bargaining. The successful intervention models from the country examples given in paragraphs 11–18 of the document should be disseminated and replicated, and the Office should continue to work on collective bargaining and wages in the next biennium. To work in an integrated manner towards breaking the mutually reinforcing link between discrimination, forced labour, lack of representation rights and abusive working conditions, the current IPEC+ flagship programme should better reflect linkages between the elimination of child and forced labour, the promotion of the right to organize and bargain collectively, and non-discrimination. As to supporting mobility by choice among women, the organization of women migrant workers in trade unions in countries of destination would greatly facilitate their access to decent working conditions. It was important for the ILO to bring its added value of tripartism and international labour standards to the partnerships developed with the Equal Pay International Coalition (EPIC) and Alliance 8.7.
546. Work on outcome 8 had shown the merit of working simultaneously on improving both the realization of fundamental principles and rights at work, and the material working conditions of workers facing unacceptable forms of work, many of them being women. As such forms were the result of failures in interrelated policy domains, they must be tackled at different levels. By following a multidisciplinary approach, ILO constituents would maximize the chances of eradicating unacceptable forms of work and of promoting decent work for all and achieving gender equality. The Workers' group supported the Office in continuing its important work under outcome 8 in the next biennium.

- 547.** *The Employer spokesperson* said that confusion around the term “unacceptable” work persisted, and that not all the Office’s work on outcome 8 could be considered to be protecting workers from unacceptable forms of work. The terminology had first been used in the Programme and Budget for 2014–15, and was defined as conditions that: (1) deny fundamental principles and rights at work; (2) put at risk the lives, health, freedom, human dignity and security of workers; or (3) keep households in conditions of extreme poverty. The first of those was clearly an element of unacceptable work; the references to it in the strategy for outcome 8 and the critical need to protect workers in vulnerable situations were welcome, as were the country-level interventions targeting child labour in cotton production and in countries hosting large numbers of refugees, described in paragraphs 17 and 18. The ILO should direct its resources to undertaking the work defined by the conclusions concerning the second recurrent discussion on fundamental principles and rights at work. It was important, however, that categories of workers or social groups who were more susceptible to discrimination, such as domestic workers, women and indigenous peoples, should not be inadvertently equated with persons in unacceptable forms of work.
- 548.** As to the second element, it was universally agreed that working conditions that put at risk the lives, health, freedom, human dignity and security of workers were unacceptable. The country-level interventions designed to overcome those problems in various sectors, as described in paragraphs 12 and 13, were welcome. The Office should place greater focus on eliminating problems relating to occupational safety and health (OSH) when addressing unacceptable forms of work. Any definition extending beyond the two elements mentioned above was of concern. “Unacceptable” was a strong term that referred to conditions of work so egregious that they must be eliminated, not to conditions that were less than ideal.
- 549.** The focus on organizing workers as a key element of the ILO strategy to eliminate unacceptable forms of work would be of limited effectiveness, as the nature of such forms of work made it difficult for most workers to organize, as recognized by the Office’s document in paragraph 25. While a lack of representation might be considered problematic, it could hardly be considered as the cause of decent work deficits, if national legislation, practices and institutions were not enhanced. The Employers sought clarification and concrete examples of what was meant by “innovative organization strategies”. Implementing and monitoring compliance with labour laws, particularly through labour inspection, should be a key part of the strategy. The Office must also build the capacity of constituents at the national level to eliminate and prevent unacceptable forms of work, particularly to improve the design and implementation of national legislation.
- 550.** The Employers’ group was concerned about ILO country-level interventions in the areas of combating discrimination against women through organization and representation; bargaining collectively for better working conditions and fairer salaries in education; and the establishment of EPIC to address equal pay for work of equal value. In relation to collective bargaining in the education sector, the mention of minimum wages was of particular concern. Minimum wages varied widely by country and sector. They had never been discussed in the Governing Body in the context of outcome 8, and clarifying their relationship to the concept of “unacceptability” was of fundamental importance.
- 551.** In its future strategies, the ILO should more systematically study and take into account the practices of countries that had been successful in reducing unacceptable forms of work. The promotion of an enabling environment for sustainable enterprises, enterprise creation and vocational education and training should also be included.
- 552.** To sum up, the Employers recognized the value of work under outcome 8. However, it would be beneficial for constituents to agree on a clear definition of what constituted “unacceptable” work. In the Employers’ view, the term should cover only two elements: the violation of fundamental principles and rights at work; and work that put at risk the lives,

health, freedom, human dignity and security of workers. It appeared that the Office document went further than that agreed definition by including wages and focusing on organizing workers. With those concerns taken into account by the Office, the Employers' group supported the draft decision.

553. *Speaking on behalf of the Africa group*, a Government representative of Senegal said that he welcomed the Office's strategy, including efforts to organize workers facing unacceptable forms of work. The Office should concentrate more on building the capacity of local populations to become self-employed, in particular in farming on their own land; special attention should be paid to facilitating women's access to land, which would grant them autonomy and help combat discrimination. Harassment in the world of work was of particular concern, especially in export processing zones and special economic zones; agreements to prevent all forms of harassment in those zones should be concluded as a matter of priority. Office interventions should seek to prevent the spiral of discrimination and forced labour; the situation of African girls employed in domestic work was especially concerning. He encouraged the Office to support governments in Africa in the implementation of the 2016 *General principles and operational guidelines for fair recruitment* and to raise awareness among the authorities in countries of destination regarding respect for the fundamental principles and rights at work of domestic workers. Joint initiatives with other UN agencies on gender equality, women's empowerment and equal remuneration were welcome, and the ILO should accelerate work on a framework of action for South-South and triangular cooperation to share good practices, with due regard to the gender dimension. He urged the Office to provide enhanced support to labour administrations to contribute to combating unacceptable forms of work. In that regard, programmes to prevent occupational diseases and injuries at work in the mining and agriculture sectors should be prioritized. The Africa group supported the draft decision.

554. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Turkey, Montenegro, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova and Georgia. She said that the ILO and its constituents as well as multilateral organizations must continue actions to ensure freedom of association and the right to collective bargaining, the elimination of child and forced labour, and the promotion of equality and non-discrimination, while aiming to improve OSH and access to living wages. The ILO's approach corresponded to the EU Strategic Framework and Action Plan on Human Rights and Democracy, which promoted universal ratification and implementation of the fundamental Conventions. The increased inclusion of labour provisions in the association, trade and development agreements concluded by the EU with partner countries, reflected the need to ensure the promotion of decent work. An integrated approach was required, taking into account the findings of the ILO supervisory bodies. The focus on the most vulnerable groups, such as migrants and indigenous peoples, and high-risk sectors was welcome, as was the approach to breaking the link to the root causes of unacceptable forms of work, as described in paragraphs 6 and 11. Future policies should also be informed by a more in-depth analysis of possible obstacles to the exercise of freedom of association. Reinforcing the capacities of labour inspectorates was also of utmost importance. The gender-based focus of the strategy, in particular regarding equal pay for work of equal value, was appreciated, as was the strategy's link with the forthcoming ILO instrument or instruments on violence and harassment against women and men in the world of work. She fully subscribed to the Office pledge to create a virtuous cycle between the supervisory bodies' concerns, the ILO's technical assistance and national follow-up. She supported the draft decision.

555. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that the 2030 Agenda, particularly SDG 8, promoted a holistic approach to combating unacceptable forms of work, which generally resulted from systemic poverty and other factors. She welcomed the Office's strategic approach to preventing and eliminating unacceptable forms of work,

particularly in high-risk sectors, and its cooperation with other UN agencies in the framework of EPIC and Alliance 8.7. The majority of countries in the Latin America and Caribbean region had ratified Conventions on forced labour, child labour and equality and non-discrimination, including in respect of remuneration. A normative framework guaranteeing labour rights was essential, but at the same time workers should be empowered to avoid unacceptable forms of work and to exercise their right to organize. Women were subject to greater discrimination. Thus, equality in recruitment and remuneration and the elimination of violence and harassment at work were crucial. Attention should also be paid to the situations of migrant workers and indigenous peoples, as they were more vulnerable to labour rights' violations. Efforts to combat unacceptable forms of work should involve all stakeholders, as collaboration with enterprises, trade unions, civil society and governments would lead to innovative solutions to persistent problems. The ILO should continue its current strategy prioritizing the practical impact of international labour standards, which would produce outcomes to meet current needs. GRULAC supported the draft decision.

- 556.** *A Government representative of Thailand* said that, in addition to the initiatives mentioned in paragraphs 6 and 11 of the document, Thailand's Ministry of Labour had developed a policy for 2018, called Vision Ends, with action plans and follow-up mechanisms aimed at ending inequality, inefficiency and unacceptable forms of work.
- 557.** *A Government representative of Argentina* said that the implementation of labour standards must always go hand in hand with the active participation of the social partners in pursuing economic growth and social welfare. Sufficient resources should be provided so that the ILO could support the efforts of member States, particularly those most at risk. Argentina was committed to eliminating unacceptable forms of work, and would soon host the IV Global Conference on the Sustained Eradication of Child Labour.
- 558.** *A Government representative of the Russian Federation* said that his country had legislation in place to protect young, migrant and women workers, and was taking measures to ensure their rights were respected. Action was also being taken to combat informal employment. Online resources were being provided to inform workers of their rights and to better monitor respect of the rights of migrant workers. He supported the draft decision.
- 559.** *A Government representative of Indonesia* said that his Government had improved policies and legislation to prevent and eliminate unacceptable forms of work in high-risk sectors. Indonesia had made significant progress in eliminating child labour through its work with the ILO, and hoped that the cooperation could be strengthened in the future. Effective implementation of the fundamental principles and rights at work depended on partnership between the ILO country offices and national constituents. The Office should strengthen the capacity of state institutions and social partners, and help governments in addressing the comments of supervisory bodies. Capacity building and technical assistance were crucial to tackling unacceptable forms of work. He supported the draft decision.
- 560.** *A Government representative of Nepal* said that workers in high-risk sectors, in the informal economy, women workers and migrant workers in low-skilled jobs were in particular need of protection. Accurate information on the risks in some occupations could help workers decide whether to accept employment that exposed them to higher risks. The ILO should continue to provide countries with support and technical assistance in combating exploitation in the workplace and in drafting policies and regulations to protect workers from unacceptable forms of work. He supported the draft decision.
- 561.** *A Government representative of India* said that his country had legislation in place to protect the rights of domestic workers, migrant workers and unorganized workers, and to regulate child labour. It had recently ratified the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182); launched an anti-child labour

online platform; and increased funding for the Rehabilitation of Bonded Labourers Scheme, which also covered organized begging rings, forced prostitution and child labour. The ILO should continue to provide technical assistance to member States in order to facilitate social dialogue as the key to combating unacceptable forms of labour.

- 562.** *A Government representative of the United Kingdom* said that her Government had launched a Call to Action to end forced labour, modern slavery and human trafficking, which had been endorsed by 37 countries and entailed a commitment to implement the Protocol of 2014 to the Forced Labour Convention, 1930. International cooperation mechanisms and strong UN leadership were vital in translating such commitments into concrete action on the ground and the ILO had a crucial role to play. She supported the Office's efforts to promote ratification and implementation of the 2014 Protocol. Combating unacceptable forms of work required action on many levels, and should be an international priority. She welcomed the Office's work on outcome 8, and looked forward to further discussions on global supply chains. She supported the draft decision.
- 563.** *A Government representative of China* said that the ILO should strengthen international cooperation through Alliance 8.7. His Government had essentially eliminated unacceptable forms of work by promoting workers' rights, intensifying the enforcement of labour law and strengthening its labour inspectorate. It planned to send a high-level delegation to the IV Global Conference on the Sustained Eradication of Child Labour. He supported the draft decision.
- 564.** *A representative of the Director-General (Deputy Director-General for Policy)* said that the Office had taken careful note of the Governing Body's comments and would attempt to strengthen the areas it had mentioned in future work under outcome 8. The definition of "unacceptable forms of work" had been first discussed and adopted by the Governing Body in 2013 and included in the programme and budget – first as area of critical importance 8 and later as outcome 8. The definition had always acknowledged the role of poverty in unacceptable forms of work. The Governing Body had agreed in 2015 that recognition of the fundamental principles and rights at work was key to tackling unacceptable forms of work; that dangerous and unhealthy working environments, lack of education, non-payment of wages or very low and unstable earnings, combined with lack of social protection, generated, and kept people in, such forms of work; and that an integrated policy framework was needed. In its discussion of the Programme and Budget proposals for 2018–19, the Governing Body had endorsed outcome 8 on the basis of that shared understanding of unacceptable forms of work and the means of addressing them.
- 565.** Poverty was both a cause and a consequence of unacceptable forms of work. It was not possible to address unacceptable forms of work, and thus make progress in realizing decent work for all under in the 2030 Agenda, without dealing with the conditions that caused people to remain in poverty.
- 566.** Domestic work was indeed not synonymous with unacceptable forms of work, but the conditions under which it was performed were often unacceptable: it was the sector with the highest incidence of forced labour. In addition to domestic work, outcome 8 paid attention to many other high-risk sectors, such as construction, agriculture and fishing. Nor were women and vulnerable populations synonymous with unacceptable forms of work. However, the evidence had shown that they were far more susceptible. The Office would bear in mind the request that it pay closer attention to serious OSH deficits in high-risk sectors in preparing the workplan for the coming biennium.
- 567.** In response to the Employers' comment that outcome 8 paid too much attention to organization of workers engaged in unacceptable forms of work and its request for examples of what the Office meant by "innovative approaches" to organization strategies, she said that

freedom of association was an enabling right and one of the fundamental principles and rights at work, which were at the heart of the strategy for outcome 8. The Office was helping to develop new ways of organizing workers who were difficult to reach. In the Plurinational State of Bolivia, the Cámara Boliviana de la Construcción had collaborated with the women construction workers' association to set up a job-matching web portal, which enhanced their economic opportunities. In Bangladesh, the Office had helped to develop an informal network of indigenous and tribal workers in urban areas and was working on formalizing workers and affiliating the network with the trade union movement. In Guatemala, the trade union movement had reached out to grass-roots associations of domestic workers, which had led to the establishment of alliances and new unions.

- 568.** The principle of minimum wages was enshrined in the ILO Constitution, and was one of a range of tools for reducing poverty. The concept of equal pay for work of equal value was also a principle established in the Constitution, as well as in the Equal Remuneration Convention, 1951 (No. 100), one of the widely-ratified fundamental standards. Furthermore, it was an issue on which the Office was receiving increasing numbers of requests for technical assistance. The fact that a woman with equal qualifications was paid less than a man for work of equal value was both unacceptable from a normative perspective and economically inefficient. There was agreement at the launch of EPIC that collective bargaining and minimum wages were among the policy devices that could help combat discrimination in remuneration.
- 569.** In response to the requests for the Office to document successful cases of combating unacceptable forms of work at the country level and identify the success factors and enabling conditions, she said that that was indeed part of the workplan for the coming biennium.
- 570.** *The Worker spokesperson* said that the many requests for assistance received by the Office in that area reflected the need of member States to take action, suited to their realities, to effectively address unacceptable forms of work in specific sectors or groups of workers, regardless of the distinction between “acceptable” and “unacceptable” forms of work. He agreed that a link should be established between tackling unacceptable forms of work and the upcoming standard-setting discussion on violence and harassment against women and men in the world of work. It was indeed impossible to address unacceptable forms of work without tackling poverty, and minimum wages played an important role.
- 571.** *The Employer spokesperson* thanked the Office for taking into account her group's request to enhance law compliance as part of the strategy for outcome 8. She also said that, during the Governing Body's discussions in 2015, the Employers had reiterated that they did not agree to the inclusion of work that kept households in conditions of poverty in the definition of “unacceptable forms of work”. Rather, that term referred strictly to work that denied fundamental principles and rights at work, and put at risk the lives, health, freedom, human dignity and security of workers.

Decision

- 572.** *The Governing Body requested the Director-General to take account of its guidance in implementing the strategy for outcome 8 of the Programme and Budget for the biennium 2018–19 on protecting workers from unacceptable forms of work.*

(GB.331/POL/2, paragraph 27.)

Social Dialogue Segment

Third item on the agenda

Sectoral meetings held in 2017 and proposals for 2018 ([GB.331/POL/3](#))

- 573.** *The Employer spokesperson* supported the draft decision, except for paragraph 21(f). He noted that there had been considerable discussion on the issue in formal as well as informal settings, but requested time for further discussions the following morning in his group.
- 574.** *The Worker spokesperson* said that the Meeting of Experts to adopt Guidelines on Decent Work and Socially Responsible Tourism and the Tripartite Meeting on Improving Employment and Working Conditions in Health Services had been crucial as workers were facing important challenges in both sectors. The tourism sector was faced with an increase in non-standard forms of employment that impacted negatively on the protection of workers. Health services were faced with a decrease in public funding and privatization that also affected working conditions. The recommendations and conclusions of those meetings should be carefully implemented and monitored. The Office should allocate sufficient resources to actively promote and disseminate the tourism guidelines and the conclusions of the health services meeting, and for joint work with the World Health Organization (WHO) and the Organisation for Economic Co-operation and Development (OECD) as part of the joint action plan for health, employment and economic growth. It should also consider organizing Regional Meetings to follow-up on the conclusions of the health services meeting.
- 575.** As a follow-up to the Meeting of Experts to adopt Policy Guidelines for the Promotion of Sustainable Rural Livelihoods Targeting the Agro-food Sectors, a meeting of experts to adopt policy guidelines for the promotion of decent work on plantations should be organized as proposed. Applying the fundamental principles and rights at work to all workers without exception was central to the work of the ILO. That was particularly relevant to the agricultural sector, which had a high concentration of vulnerable, often female, workers. The session of the Commission on the Status of Women to be held in New York in March 2018 would have gender equality and the empowerment of rural women and girls as its priority theme. The Workers' group supported the draft decision in its entirety.
- 576.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that, while supporting the holding of meetings of experts, the Government group deemed it important for all parties to agree on the list of topics to be dealt with in the framework of such meetings. Unfortunately, the 2016 Meeting of Experts on the agro-food sectors had failed to reach a conclusion. To avoid a repeat of that unfortunate situation, the second meeting should be convened only if the tripartite groups deemed it feasible to finalize the guidelines. Accordingly, the Director-General should arrange additional tripartite consultations on the possibilities and conditions of holding a meeting of experts for the sectors.
- 577.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that he supported paragraphs (a), (b), (c), (d), (e) and (g) of the draft decision. A very large percentage of the population in Africa depended on rural livelihoods in the agro-food sectors, and the sectors contributed significantly to the economies of member States in the region. Consequently, there was a crucial need for policy guidelines. The Africa group would willingly engage in constructive discussions with the other constituencies to achieve tangible

outcomes on paragraph (f) of the draft decision. However, a second meeting should be convened only if the tripartite constituents deemed it feasible for that meeting to successfully conclude its work. As the paper had not included background on the shift of focus to “decent work on plantations”, he asked the Office for further information.

578. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group strongly supported publication of the *ILO guidelines on decent work and socially responsible tourism*. It also welcomed the wide dissemination of the conclusions of the tripartite meeting on health services. A meeting of experts to adopt policy guidelines for the promotion of sustainable rural livelihoods was appropriate, and GRULAC supported the adoption of updated guidelines for all agro-food sectors. It also supported paragraphs (a), (b), (c), (d), (e) and (g) of the draft decision. On paragraph (f), his group agreed with the social partners that consultations should be held to reach consensus on the holding of a meeting that would contribute to the promotion of decent work in the rural economy.

579. *Speaking on behalf of the Nordic countries*, a Government representative of Finland said that the tripartite meeting on health services had been appropriate, in view of the projected global shortfall of 18 million health workers by 2030 and the prospects of creating 40 million new jobs in the health and social sectors. In that regard, the excellent cooperation between the ILO, WHO and OECD was the type of international partnership needed in the SDG era and had been lauded as a role model within the UN system at the High-Level Political Forum held in New York in July 2017.

580. *A Government representative of Mexico*, referring to the Meeting of Experts on socially responsible tourism, which his Government had been honoured to chair, emphasized the importance of tourism to his country as a source of foreign currency and employment, especially among women and the young. The adopted guidelines would greatly assist in providing decent, productive and socially responsible employment for many Mexicans and in furthering sustainable development and a favourable business environment. While regretting the lack of consensus at the Meeting of Experts on the agro-food sectors, he was convinced that positive results could be achieved through tripartite dialogue, building on the experience of the first meeting, and that the obstacles and challenges ahead could be successfully identified and overcome. Mexico appreciated the Employers’ statement in that regard and remained flexible about the date of a future meeting. In conclusion, he supported the draft decision, with the exception of paragraph (f).

581. *A representative of the Director-General* (Deputy Director-General for Policy) said that she was encouraged by the support expressed by Members and had taken careful note of their comments on employment in the health sector.

582. *A representative of the Director-General* (Director, Sectoral Policies Department) said that the Office had held informal tripartite consultations to identify the conditions for a meeting of experts in the 2018–19 biennium to adopt policy guidelines for promoting sustainable rural livelihoods. It had been suggested that the next meeting of experts should consider only matters that the first meeting in 2016 had not covered, namely the chapter on plantations. No consensus had been reached, however, and it had been decided to refer the decision to the Governing Body.

583. *The Worker spokesperson* said that the ILO should work more effectively in the rural economy and agro-food sectors, in line with the Director-General’s opening remarks at the current session of the Governing Body that the ILO should have an impact on working reality. In that context, the Workers’ group wondered whether the ILO’s activities in the rural economy and agro-food sectors were not doomed to be ineffective, such were the problems in reaching agreement on a programme for improving the lot of hundreds of millions of workers, some of whom were confronted with the worst conditions of work. The

fundamental Conventions were still far from widely upheld in the rural economy and agro-food sectors. The ILO should make that a main priority. Only by adopting a constructive attitude could the urgency of the situation in the rural economy be adequately addressed.

- 584.** *The Employer spokesperson* expressed concern that the positions of the social partners were still too far apart to expect a positive outcome from the discussions. Noting that a proposal had been made during informal discussions for the matter to be the subject of regional or subregional meetings, instead of a meeting of experts, he said that while appreciating the continuing efforts to find a way forward, the Employers would not support that proposal. There should be no doubt about the Employers' commitment to social dialogue, but it was important to recognize that the Governing Body sometimes dealt with controversial and difficult issues and that there would be matters that were not amenable to dialogue at times.
- 585.** *The Worker spokesperson* expressed disappointment that the Employers could not support paragraph 21(f) of the draft decision, even though the Office's proposal in that paragraph was less ambitious than the work initially agreed upon. Faced with obstacles, the focus had been shifted to the area of plantations, so as to ensure at least partial progress in a sector of concern. However, efforts had stalled because of the position taken by the Employers. The aim of the Workers' comments had been to remind Members of the facts and reality on the ground and to stress the need for significant efforts in the rural sector, with the commitment of all parties, to give effect to international labour standards. A situation whereby the ILO appeared to be ineffective in a sector that should be a priority area was unacceptable. Thus, in the interest of moving forward, the Workers could agree not to endorse the proposal in paragraph 21(f) of the draft decision, on the understanding that informal discussions would be held, which should involve all parties, including the social partners, and the Office.
- 586.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea recalled that the Government group had requested the Director-General to arrange an additional tripartite consultation on the possibility of holding a meeting of experts and on the terms and conditions of such a meeting. His group would welcome further discussion during the Governing Body, if the tripartite groups agreed.
- 587.** *The Employer spokesperson* suggested that, given the differences of opinion, the Governing Body should adopt the draft decision without paragraph 21(f). As the Employers were always open to further discussions on the matter, he proposed that those based in Geneva should continue the dialogue informally with a view to finding a way forward and then to bring the matter back for consideration during the upcoming biennium.
- 588.** *The Worker spokesperson* said that the discussion of paragraph 21(f) had not led to consensus and agreed that it should thus not be adopted. Meetings of experts could succeed only with full tripartite participation. However, all was not lost with regard to plantations since, after the 2008 International Labour Conference, the Office and the Director-General had been tasked with implementing a number of activities, which meant that there should be no slackening of efforts to give effect to the conclusions of that Conference. The proposed meeting of experts might have speeded up progress towards attaining the objectives, but broader informal consultations after the current Governing Body session might lead to recognition of the urgency of the situation and an attempt to agree on the areas for joint action.

Decision

589. *The Governing Body:*

- (a) *took note of the reports of the meetings referred to in section I of document GB.331/POL/3;*
- (b) *authorized the Director-General to publish the Guidelines on decent work and socially responsible tourism;*
- (c) *authorized the Director-General to communicate the final report of the Tripartite Meeting on Improving Employment and Working Conditions in Health Services to governments, requesting them to communicate the report to the employers' and workers' organizations concerned, and to the international employers' and workers' organizations and other international organizations concerned;*
- (d) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.331/POL/3;*
- (e) *requested the Director-General to work with the WHO and the OECD on the implementation of the recommendations of the High-Level Commission on Health Employment and Economic Growth and to take into account its guidance in the implementation of the Five-Year Action Plan for Health Employment and Economic Growth;*
- (f) *endorsed the proposals contained in the table appended to document GB.331/POL/3 relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

(GB.331/POL/3, paragraph 21, as amended.)

Fourth item on the agenda

Outcome 7: Promoting workplace compliance through labour inspection

(GB.331/POL/4)

590. *The Worker spokesperson* said that in 2016 the number of deaths worldwide from occupational accidents and diseases had exceeded those caused by wars and armed conflicts, while half of all workers had no contract. Those sober facts confronted all those who sought to fulfil the aims of Convention No. 81, and ensure that labour inspections were conducted independently of pressure from employers or State, protected workers from risks and punished enterprises that exposed them to risk. Labour inspectorates had to be equipped with the resources and trained personnel to be able to resist pressure from enterprises, and inspectors had to be able to intervene across whole value chains. As set out in Article 4 of Convention No. 81, “labour inspection shall be placed under the supervision and control of a central authority”. Too many governments were conducting reforms that contradicted those objectives and depleted their labour inspectorates.

591. All of that meant that outcome 7 constituted a highly important part of the ILO’s mandate, as acknowledged by the Workers’ group in 2015, when it had also emphasized that, in order

to best promote workplace compliance, labour inspectorates must be public bodies. Labour inspection concerned the protection of all workers' rights, not merely OSH matters, although the latter claimed more attention from the international community. While the ILO's technical assistance and policy advice on reforming labour law in such areas as safety and health at work, labour inspection and dispute settlement were highly important, certain governments had ignored the recommendations made and had imposed reforms that weakened labour laws and inspections. An effective follow-up mechanism was therefore needed.

- 592.** The group welcomed the development of tools for evaluating labour inspection and administration. Electronic inspection was useful, provided the human element was retained and a large number of countries had the technology. That was, sadly, still far from the case, despite the ILO's efforts. He welcomed the practical tools being piloted in a number of countries and trusted that they would be developed on a tripartite basis. The employers' responsibilities to identify risks and eliminate accidents should not be neglected. In terms of the project *safeyouth@work*, the group cautioned against focusing exclusively on workers' behaviour while ignoring the role of employers in promoting safe and healthy workplaces. The group supported the research methodology developed to identify OSH vulnerabilities and the drivers and constraints for OSH improvements in global supply chains, and encouraged its integration into the planning of all ILO projects related to workplace compliance. Concerning Better Work and the Transparency Portal, the group wished to see the ILO go beyond the provision of guidance on OSH data and information. The group looked forward to productive results from the various tripartite commissions set up in Azerbaijan, Benin, Burkina Faso and Tunisia. The revised outcome 7 in the Programme and Budget for 2018–19 must ensure continuity in the ILO's actions and emphasize the importance of sound public labour inspection. Noting the developments in flagship programmes, partnership building and the contribution to the SDGs, he expressed full support for the idea of a global coalition on safety and health at work. It was time for safety and health at work and labour inspection to receive greater attention. At the 106th Session of the International Labour Conference, the Workers' group had proposed that the right to safety and health at work should be included among the basic human rights. For workers worldwide, the matter was becoming more and more urgent.
- 593.** *The Employer spokesperson* said that robust social dialogue and industrial relations between employers' and workers' organizations were key to ensuring workplace compliance. Achievement of outcome 7 should be based on strengthening the enforcement and preventive functions of labour inspection and labour administration, and on enhancing employer and worker collaboration by providing technical assistance to social partners.
- 594.** There should not only be a focus on global supply chains. The main challenge for the ILO was to focus on the efficient use of resources as well as on prevention, through the provision of guidance and the sharing of knowledge and good practices. The establishment of a culture of compliance should include a code of ethics for labour inspectors, and inspections should not replace other functions, such as conciliation.
- 595.** Strategic collaboration and social dialogue would enhance labour inspection, workplace compliance and working conditions. The involvement of social partners could be strengthened through the promotion of labour inspection advisory bodies, consisting of worker and employer representatives, to facilitate the implementation of the compliance policy. The social partners should also participate in the regulation and monitoring of compliance initiatives. He underlined the role of ACTRAV and ACT/EMP in the Office activities on workplace compliance and the role of the International Training Centre of the ILO in capacity-building activities.

- 596.** Labour inspection also benefited employers, who could draw on information and training to improve working conditions in their enterprises. In that regard, the Office should consider the role of private compliance initiatives developed in coordination with governments and social partners. Labour administrations could adopt modern approaches, such as technological solutions and strategic planning. Labour inspectorates should remain connected to labour market trends and adjust programmes in line with changes in the world of work.
- 597.** The importance of a differentiated and pragmatic approach to the achievement of outcome 7 should be emphasized; the lessons learned and challenges faced should be the basis for such pragmatism. A general strategy should accommodate the specific circumstances of each country, and ILO projects should be tailored to country conditions. Assistance on workplace compliance still needed to be well integrated into DWCPs. His group supported the need for continued cooperation among the ILO's technical units.
- 598.** Considerable benefit could be expected from labour inspection in the informal economy. While acknowledging the importance of OSH, the Office should focus on essential occupational and health issues. The ILO must prioritize workplace compliance in targeted countries. Workers in global supply chains had the same rights to decent working conditions as those in the domestic economy, and the Organization should therefore aim to improve conditions for all workers everywhere. His group had cautioned about the specific mention of global supply chains in the revised wording of outcome 7. It was crucial to ensure accountability regarding the revised indicators and targets for the next biennium, in order to avoid working towards targets where labour inspectorates were not strengthened or where there were no demonstrated improvements in compliance. The Employers' group supported the draft decision.
- 599.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that governments in the region had made significant efforts to improve workplace compliance and reduce labour disputes and job insecurity. The support and technical assistance provided by the ILO were essential for developing appropriate legal and policy frameworks in respect of labour administration. Apart from having a robust normative system, training for labour inspectors and social partners was also needed.
- 600.** The inspection function should be further strengthened as part of a comprehensive public labour policy, and inspection coverage should be extended to isolated and vulnerable regions, especially in respect of labour relations. The scope of administrative enforcement and preventive functions should also be extended, including through the use of mobile inspections and the establishment of dialogue, mediation and conciliation mechanisms. In that respect, central and regional administrative processes and actions should be aligned to ensure that all workers' needs were met, taking into account the type of activity, region, and worker's status. In terms of prevention, the labour inspection system should ensure full compliance with all standards, guaranteeing labour rights and avoiding potential disputes between employers and workers. Inspection systems should be professional and incorporate both prevention and sanctions, to ensure conditions of decent work and a safe working environment. As safe and healthy working conditions were a shared responsibility, collaboration between all stakeholders should be further developed. The evaluation of labour inspections should remain a priority.
- 601.** She underlined the linkages between labour inspection activities and the achievement of SDG 16 on promoting peaceful and inclusive societies for sustainable development. The ILO should continue to develop initiatives and provide technical assistance in that regard. GRULAC supported the draft decision.

- 602.** *Speaking on behalf of the Africa group*, a Government representative of Uganda acknowledged the importance of labour inspections in ensuring compliance with international labour standards at the workplace and promoting decent work and noted the Office's efforts to promote workplace compliance by strengthening labour inspection functions in the countries mentioned in the document. The Office should expand its activities to other countries and draw on lessons learned when designing and implementing DWCPs. It should also adopt practical measures to ensure the implementation of the policy tools that had been developed to improve labour inspections and monitor child labour. He supported the draft decision.
- 603.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh said that the ILO's capacity-building and legal and policy reform activities contributed to improving workplace compliance and to promoting the ratification of instruments and delivery of labour inspection services in many countries, and she noted the Office's approach to overcoming the challenges listed in the document. The development of knowledge kits was crucial in disseminating good workplace compliance practices, in particular with regard to labour inspections in countries with a large informal sector. The International Training Centre of the ILO should intensify its training programmes on workplace safety based on good labour inspection practices and flagship programmes. The Office should improve the collection, analysis and dissemination of data and information, particularly concerning global supply chains. Moreover, it should develop a region-specific approach to developing and implementing flagship programmes, taking into account levels of industrial development, labour administration and socio-economic conditions. Labour inspection contributed to ensuring decent work for all, in line with the 2030 Agenda. In addition, the Office's comprehensive and long-term labour inspection activities would help to promote social dialogue in countries with limited administrative capacity. The outcome of the Governing Body's discussions should be fully incorporated into the Office's future work to achieve outcome 7. ASPAG supported the draft decision.
- 604.** *A Government representative of Argentina*, noting that States were responsible for ensuring workplace compliance with labour legislation and international labour standards, said that non-compliance and lack of monitoring generated poor working conditions, which had an impact on economic development and the distribution of income and undermined compliant businesses. Legal and policy frameworks should be updated to take into account current economic contexts and growth strategies, while ensuring that labour inspections had sufficient capacity. In addition, workplace compliance would improve as a result of strengthened social dialogue and labour relations. She outlined national efforts to strengthen labour inspections through training, the better use of information and communication technologies and enhanced institutional capacity, particularly in hard to reach areas, in line with ILO standards. Additional efforts to strengthen cross-border collaboration and develop labour registration programmes were also under way. She supported the draft decision.
- 605.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway, the Republic of Moldova and Georgia aligned themselves with her statement. She welcomed the strategy for outcome 7 and the three key expected changes that it intended to achieve. Labour inspections should be strong and effective, and an exclusively public function, but there was a need for cooperation across the wider labour administration system. Noting that the ILO's focus on compliance echoed current EU policies, she drew attention to the contribution of the EU and its Member States to several ILO interventions. She welcomed the development of the ILO Occupational Safety and Health Global Action for Prevention – and its focus on vulnerable workers and high-risk sectors – and the Better Work flagship programmes and encouraged stakeholders to participate in similar initiatives. An overview of the results of the actions mentioned in the section of labour law reform and policy development was welcomed. She welcomed the

development of tools to develop knowledge for, inter alia, labour inspections relating to the informal economy and the construction sector. Partnerships enhanced knowledge and strengthened cooperation, and as such she supported the proposed global coalition on safety and health at work. Workplace compliance could only be addressed through comprehensive approaches, which required sufficient resources and coordination. Investment was also required to build institutional capacity and ensure the exchange of good practices. She recognized the challenges to workplace compliance, namely the informal economy, undeclared work, lack of prevention relating to OSH, child and forced labour, non-standard forms of employment and outsourcing of work. Linkages with other ILO programme and budget outcomes were needed to ensure better integrated policy approaches. DWCPs may also need to be reviewed to incorporate compliance-related interventions. While she welcomed the explanation of the contribution of outcome 7 to achieving the SDGs, she also referred to the contribution of that outcome to implementing the conclusions of the 2015 and 2017 recurrent discussions on labour protection and the fundamental principles and rights at work. She supported the draft decision.

- 606.** *A Government representative of the Russian Federation* said that efforts had been made to strengthen the labour inspection function in his country in line with ILO standards. The labour inspection function must remain the responsibility of the State. The use of information and communication technologies, including the development of online systems, had increased the effectiveness of inspections. He expressed concern regarding violations of OSH, labour relations and labour rights, with particular regard to workers in the informal sector. Regional alliances enabled sharing of good labour inspection practices and made inspections more effective. He thanked the ILO for its support in translating training modules for inspectors into Russian, and for the attendance of ILO experts at a national training forum. His Government would continue to collaborate with the ILO to improve the effectiveness of state and federal labour inspections. He supported the draft decision.
- 607.** *A Government representative of Indonesia* said that labour inspection was essential to the attainment of decent work. His Government had used a wide variety of measures to strengthen the effectiveness of labour inspection, including labour standards training for employer representatives and an online reporting system. Furthermore, Indonesia had started to implement a new strategy whereby local governments conducted their own labour inspections. He agreed on the importance of knowledge and information sharing to promote workplace compliance through labour inspection. In that context, the International Training Centre of the ILO should continue to hold its labour inspection capacity-building programmes which were tailored to the specific needs of countries and constituents. He expressed appreciation for the ILO's new practical tools to strengthen the capacity of labour inspectorates and looked forward to the report on the *safeyouth@work* project. The ILO should continue to follow its comprehensive, pragmatic and systematic approach to promoting workplace compliance according to the needs and circumstances of the country concerned, and adopt the same approach in the DWCPs. He supported the draft decision.
- 608.** *A Government representative of China* said that he welcomed the substantial technical assistance provided by the ILO to member States over the previous two years in respect of labour inspection. Referring to the Office's strategy for outcome 7, he suggested that member States' positive experiences and best practices in promoting compliance with labour laws through labour inspection should be analysed and shared. Support to member States on labour inspection capacity building should be strengthened and the International Training Centre of the ILO should assist member States in developing inspection training courses and in enhancing online training. Partnerships should be strengthened. Social security agencies should incentivize enterprises to prevent occupational diseases and accidents and train staff on OSH. Social security organizations should be encouraged to put more resources into work injury. According to that global perspective, it was necessary to accelerate research and secure technical assistance and guidance.

- 609.** *A Government representative of Bangladesh* said that effective, transparent and credible inspection was essential to guarantee the protection of labour rights, workplace safety and labour welfare, and that the effectiveness of labour administration and inspection depended on countries' economic and industrial development. Since 2013, visible and remarkable changes had taken place in Bangladesh's labour inspection system, in law and in practice. He thanked the Office and development partners for their support, which had greatly facilitated national efforts to toughen penalties, increase the number of inspection officials and resources for inspection, streamline reporting procedures, enhance the safety of buildings used as ready-made garments factories and create safety and health bodies. A culture of compliance should be created by improving labour inspection across all regions, countries and economies. Employers and workers should receive training, something in which the International Training Centre of the ILO could play a vital role. It was also important to further strengthen the capacity of the Office to exchange good practices and disseminate information. Finally, the Office should provide long-term and continued support to countries with limited resources through a broader partnership, particularly in respect of achieving the relevant SDGs. He supported the draft decision.
- 610.** *A Government representative of Greece*, noting that labour inspection was central to the strategy, agreed that a comprehensive and systematic approach required collaboration within the broader system of labour administration, and that consultations and collaboration with the social partners in the design, implementation and monitoring of compliance initiatives was crucial. She provided an overview of the work done by Greece to tackle informality and improve workplace compliance, which had led to the endorsement of a three-year roadmap for tackling undeclared work, including preparations for the ratification of the Labour Inspection (Agriculture) Convention, 1969 (No. 129). With regard to the strategy, she agreed that results could be achieved only by adopting a pragmatic approach in response to the actual needs and circumstances of countries. She encouraged the ILO to retain the major elements of the 2016–17 strategy in its strategy for outcome 7 for the Programme and Budget for 2018–19, and supported the draft decision.
- 611.** *A Government representative of India* said that sound labour enforcement machinery was part of a viable labour administration system and a necessary prerequisite to promoting the Decent Work Agenda. Workplace compliance was essential to ensuring the efficiency and transparency of the governance system. It should be in line with the national context and labour standards. Private compliance initiatives could be adopted to the extent that they helped in developing a cohesive approach to compliance among stakeholders and contributed to fulfilling legal requirements, but they should not be a substitute for labour inspectors. They should bring synergies to the goals and objectives of labour inspection by public authorities rather than create a parallel standard in inspection services. India had leveraged technology in the area of labour inspection with positive results. Although the aim of the strategy continued to be the promotion of workplace compliance through social dialogue, appropriate legal and policy frameworks and public institutions with sufficient capacity to perform their roles and functions, workplace compliance mechanisms should not become so rigid as to jeopardize growth, which was essential in order to generate employment. The ILO should continue to support its constituents in capacity building. She supported the draft decision.
- 612.** *A Government representative of Nepal* said that workplace compliance could be achieved through a joint effort on the part of all stakeholders to develop and implement a set of plans and priority actions, and in that regard he welcomed the activities performed by the ILO, as outlined in the document. In order to achieve the desired objectives, there needed to be conformity in the implementation of the various legal frameworks that had been developed to improve working conditions and ensure workplace safety. A labour inspection system was essential in order to promote and enforce existing laws and regulations in the workplace, ensure workplace safety and promote and strengthen labour law compliance. The national

entities responsible for monitoring the enforcement of labour laws and for promoting compliance should be given the authority and resources needed to perform their duties, including sufficient human resources and skilled and well-trained labour inspectors. In Nepal, the Department of Labour and its subordinate offices carried out labour inspections in enterprises and were authorized to take action against any entity for non-compliance, and the Government had recently introduced new legislation containing OSH provisions. He asked the ILO to continue to facilitate social dialogue and provide institutional and technical support through country-specific programmes, including in the area of capacity building and policy implementation. He supported the draft decision.

- 613.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the strategy was built on securing the engagement of all stakeholders who could play a role in achieving workplace compliance with the full range of labour standards. That included employers and workers in the move towards better compliance across the labour spectrum. She noted the comments about the need to have country- and region-specific strategies and interventions in moving forward to provide action-oriented assistance when Members requested it, particularly with respect to high-risk workplaces and informal and undeclared work.
- 614.** There were many areas of convergence in the strategy with the priorities expressed by Members, including those expressed by the Employers. One of those – strengthening the enforcement and preventive functions of labour inspectorates – was included in the first and second prongs of the ILO strategy. Another – the need to enhance employer–worker collaboration to achieve compliance – was the third prong of the ILO strategy. The need for such collaboration was also reflected in training initiatives, mentioned throughout the document, and in the emphasis on social dialogue. Furthermore, there was a robust curriculum at the ILO training academy on social dialogue and industrial relations, held at the International Training Centre of the ILO, which played a crucial role in the strategy.
- 615.** The Office agreed that labour inspection needed to be seen in the broader context of labour administration, which was why paragraph 7, for example, stated that a comprehensive approach required collaboration of labour inspectorates within the broader system of labour administration. The Office focused on as many workplaces and sectors as possible. During the current biennium, the focus was on the informal economy, agriculture and the construction industry, and she noted that Members’ comments had reinforced the appropriateness of those choices. The Office would ensure that continued attention was paid to the range of methods available for dispute resolution, including mediation. ACT/EMP and ACTRAV were part of all programme and budget outcome teams, meaning that the Workers and the Employers had a seat at the table as the ILO developed its strategies.
- 616.** Referring to two points made by the Workers, she said that the safeyouth@work programme was not one in which the ILO shifted responsibilities among workers, employers and the State. It was an initiative designed to move towards a culture of compliance by bringing young workers at the beginning of their career into the safety and health dialogue, which the ILO considered to be important. Second, when talking about labour inspectorates, although there was a focus on OSH, many labour inspectorates dealt with a range of compliance issues. She pointed out that the ILO’s work with labour inspectorates was part of its broader work with labour administrations.

Outcome

- 617.** *The Governing Body requested the Director-General to take account of its guidance in developing and implementing the strategy for outcome 7 of the*

Programme and Budget for 2018–19 on “Promoting safe work and workplace compliance including in global supply chains”.

(GB.331/POL/4, paragraph 53.)

Development Cooperation Segment

Fifth item on the agenda

ILO cooperation with the tobacco industry in the pursuit of the Organization’s social mandate (GB.331/POL/5)

- 618.** *The Worker spokesperson* said that the main consideration for her group was whether the ILO should accept money from tobacco companies to fund its work in the tobacco sector to support decent working conditions and eliminate child labour. The group agreed that the industry suffered from serious and persistent decent work deficits. It was also characterized by widespread child labour, and in many countries tobacco workers earned low or poverty wages and were prevented from organizing and bargaining collectively. The labour movement had been consistently concerned at the unwillingness of tobacco companies to engage on decent work challenges other than child labour, such as freedom of association and collective bargaining. The ILO’s public–private partnerships (PPPs) with the Eliminating Child Labour in Tobacco Growing Foundation (ECLT) and Japan Tobacco International (JTI) clearly failed to address the root cause of child labour in the industry, namely endemic poverty among tobacco farmers. Without decent wages for adults, child labour would persist. The recent discussions in the Governing Body on decent work in plantations had clearly shown that the Employers’ group lacked understanding and commitment when it came to addressing severe decent work deficits in agriculture; likewise, it was difficult to trust the tobacco industry, which wished to keep the PPPs in place at all cost.
- 619.** Concerning the ILO’s cooperation with the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF), she emphasized that tobacco workers were entitled to participate in all initiatives to provide them with decent work, and she thus rejected the notion that the UNIATF model policy for UN agencies on preventing tobacco industry interference could be used to deny them their rights. The model policy stated that UN entities should separate their activities from those of the tobacco industry and recommended that UN agencies should reject partnerships and voluntary arrangements with it as these were going against UN system objectives, fundamental principles and values. Those concerns had been echoed by the United Nations Economic and Social Council (ECOSOC) in its resolution E/RES/2017/8 of 7 June 2017 and by the recent decision by the UN Global Compact to remove tobacco companies from its membership. Her group was also concerned that the ECLT and JTI could present the current PPPs and their engagement with the Organization as socially responsible activities, in defiance of the model policy. The latter, while not binding on the ILO, had been drafted in line with the objectives of the WHO Framework Convention on Tobacco Control (FCTC), namely to protect public health policies from the commercial or other vested interests of the tobacco industry. Only 13 of the ILO’s member States were not bound by the FCTC. Further, as a member of the UNIATF, the ILO was called to facilitate implementation of the FCTC, while the FCTC secretariat was called on to collaborate with the ILO in providing support for economically viable alternative activities. The current PPPs were in conflict with several

elements of the model policy and the FCTC, and the moral weight of the former could not be ignored. The group considered that the PPPs should be discontinued on their expiry in 2018, as tobacco companies could use them to promote their products.

620. In the meantime, the Office should develop a clear plan to eliminate child labour in the sector, as part of a more wide-ranging programme providing for decent work and just transition for all its workers. It should also seek to mobilize alternative public funding to protect the interests of families, prioritize the strengthening of freedom of association and collective bargaining and decent wages for adults, and institute a cross-departmental strategy to assist countries in reviewing their national employment policies and diversifying production. The Workers' group agreed on strengthening safeguards against industry interference pending the expiry of the PPPs and on the need to develop viable alternatives outside the tobacco sector, as envisaged by the FCTC.

621. The group also agreed with the proposals to secure public funding, including by holding a conference with development partners, and explore funding from the Regular Budget Supplementary Account (RBSA). Increasing the supply of public funding to the ILO to address decent work deficits and design strategies for viable alternatives outside the sector was fully in line with the obligations that ILO member States undertook when ratifying the FCTC. The group was concerned at the suggestion that the Organization might consider extending the PPPs for a limited period, subject to strict safeguards, if alternative funding was not secured; that should be the subject of a Governing Body decision. The current debate was not simply about programme funding. It was important to know how the industry planned to stop using suppliers that relied on child labour or acted inadequately against it. Governments, not only those of tobacco-growing countries, must engage more actively in finding alternative employment and in raising consumer awareness. Lastly, the group wished to see the issue discussed by the Governing Body at its March 2018 session, following a progress report by the Office on securing alternative funding and obtaining more accurate statistics on children at risk, alternative crop feasibility and eliminating child labour in the context of a broader plan to promote a just transition.

622. *The Employer spokesperson* said that the Office could not design discriminatory policies applicable to the tobacco industry, which was a legal business sector. If the ILO ended cooperation with the tobacco industry, it would set a precedent for ending cooperation with any legal sector with social and environmental risks. While her group supported the role of national public health authorities and the WHO in promoting policies on tobacco control, the ILO's mandate to promote fundamental principles and rights at work, including through cooperation with the tobacco industry, was equally important. In the Employers' view, those two objectives were consistent with and mutually supportive of each other.

623. The Employers' position was based on five key points. First, the tobacco sector fell squarely within the ILO's mandate. Tobacco growing safeguarded livelihoods for millions of people who, for the most part, belonged to vulnerable social groups. Funding from the tobacco industry had been instrumental in reducing child labour and forced labour in various countries.

624. Second, ILO cooperation with the tobacco industry had significantly contributed to achieving decent work outcomes. Such cooperation extended beyond funding to strengthening engagement with tobacco-growing communities, community development programmes and awareness-raising initiatives. It was inconsistent to object to being financed by the tobacco industry while receiving funds from national treasuries which themselves received funds from that same industry.

625. Third, the 2030 Agenda called for inclusiveness, shared responsibility and ambitious partnerships, including with the private sector. The 2030 Agenda set out the need for global

partnerships with the participation of all countries, all stakeholders and all people. SDG target 8.7 called for immediate and effective measures to eliminate forced labour and secure the prohibition and elimination of the worst forms of child labour by 2025.

626. Fourth, the ILO did not work on public health policies related to tobacco, and its cooperation with the tobacco industry was consistent with efforts by public health authorities and the WHO to promote public health policies with respect to tobacco control. Its work in the tobacco sector therefore fell entirely outside the scope of the FCTC, the Guidelines for implementation of Article 5.3 of the FCTC, and the model policy. As none of the ILO PPPs with the tobacco industry had ever sought to address or have any impact on public health policies with respect to tobacco control, ILO cooperation with the industry did not create any legal issues for the Parties to the FCTC and should therefore be maintained.
627. Fifth and lastly, the ILO was free to determine its own approach on the matter. In its resolution E/RES/2017/8, ECOSOC did not “endorse” the model policy but merely “recalled” it. Moreover, paragraph 10 of that resolution made it clear that it was not binding on the ILO. In that light, the ILO should consider a third policy option, namely to develop an approach that was in line with its mandate, as called for in the resolution, but one that was not based entirely on the model policy and which continued cooperation with the tobacco sector.
628. Her group supported the first element of the strategy set out in the Office document, to strengthen safeguards to prevent the risk of tobacco industry influence. The purpose of safeguards was to ensure that any funding from the sector did not lead to interference. However, there should be no additional or arbitrary restrictions on cooperation with the tobacco industry. She also agreed with the second part of the strategy, to increase cooperation with the UNIATF in order to eliminate child labour in tobacco-growing communities, in line with the ILO’s mandate. However, with the exception of the proposal to mobilize additional funds from other sources, her group did not agree with the third part of the strategy, which conflicted with the first element, as it sought to impose limits on ILO cooperation with the tobacco industry that went beyond the additional safeguards. If safeguards were established and PPPs complied with them, there would be no need to grant the Director-General discretion to consider the possibility of extending the PPPs for a limited period. Granting that discretion would mean that, if alternative funding was secured, PPPs with the tobacco industry could be restricted or even ended. A perfectly legitimate sector should not be subject to arbitrary or discriminatory procedures in the ILO. All partnerships, including those related to the tobacco sector, that complied with the safeguards should be permitted or even extended.
629. Summing up, she wished to reiterate that the tobacco sector was a legal and regulated business activity that fell squarely within the ILO’s mandate. It was unacceptable for the ILO to renounce that mandate. Even if alternative funding was found, it would not replace the funds generated by the tobacco sector. The credibility of the Organization was at stake. In that light, she proposed amendments to the draft decision to reflect the fact that the ECOSOC resolution referred to, but did not endorse, the model policy and to make reference to the ILO’s continued engagement with the tobacco sector, with the safeguards outlined in paragraph 37 of the document.
630. *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire said that the tobacco sector was a legal industry and PPPs were a basis for inclusive growth as they generated income, which helped to improve livelihoods throughout the value chain. Some ILO programmes to eliminate child labour that were financially supported by foundations funded by tobacco companies had produced excellent results. It was essential that the ILO should maintain its independence. His group supported the proposal to establish a strategy for engagement with the tobacco industry with a view to promoting decent work.

While the model policy was not legally binding, the ILO, as a member of the UNIATF, could not disregard it. However, as a tripartite structure, the Organization was bound to cooperate with all employers and to prioritize social dialogue related to labour standards, job creation and social policy. If alternative funding could not be identified and if ending PPPs would put the safety and health of children in tobacco-growing communities at risk, the Office should commit to such partnerships and to receiving funding from the tobacco industry until an alternative funding mechanism was secured. His group supported the draft decision.

- 631.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that while the ILO should continue its work to eliminate child labour in the tobacco industry, it was also critical that the Organization should implement the decisions taken to disassociate UN agencies from engagement with the tobacco industry. ASPAG governments that had ratified the FCTC considered that cooperation with the tobacco industry contravened their obligations set out therein. While that Convention was not binding on the ILO, the ECOSOC resolution of 7 June 2017 encouraged members to prevent tobacco industry interference. It was important that a clear end date for the ILO's cooperation with the tobacco industry be set. The Organization must step up its efforts to secure alternative funds for programmes to eliminate child labour in tobacco-growing communities, but it should continue to engage with the sector to ensure that workers had access to decent work and to foster social dialogue on the transition to alternative livelihoods. Her group did not accept the draft decision, which should be amended to the effect that funding from the industry should not be extended beyond the end date of current agreements; that the Office should increase efforts to identify alternative funding and present an update at the March 2018 session of the Governing Body, including a detailed plan for permanently ending cooperation with the tobacco industry and continuing child labour elimination programmes with alternative funding; and that the Organization should develop a strategy on its non-financial cooperation with the tobacco industry, including safeguards to prevent interference and strengthened engagement with the UNIATF in that regard.
- 632.** *Speaking on behalf of the EU and its Member States*, a Government representative of Ireland said that Montenegro and Bosnia and Herzegovina aligned themselves with the statement. The additional measures proposed in the document being discussed were not sufficient, and PPPs with the tobacco industry, in so far as they related to funding, should not be renewed after they expired at the end of 2018. The document did not adequately address how the ILO's cooperation with the tobacco industry contributed to the achievement of SDG target 8.7. The targets under SDG 3 called on countries to strengthen the implementation of the FCTC, to which the EU was bound. The ILO was the only UN organization that maintained a financial partnership with the tobacco industry, thereby deviating from the model policy and creating an unnecessary dichotomy between protecting public health and eliminating child labour. Supporting decent work and eliminating child and forced labour in the tobacco industry were critical, but the document indicated that few people benefited from the ILO's collaboration with the industry and that the partnerships were limited in scope. More should be done to ensure decent wages, assist in the transition to alternative livelihoods, and adopt health and safety measures for those in tobacco-growing communities. His group disagreed that ending tobacco industry financing would jeopardize children's rights, and called on the Office to accelerate its search for alternative funds, which would free the Office to design more comprehensive projects.
- 633.** The Office should commit to developing a strategy, by 2018, for an alternative funding model while continuing programmes to eliminate child labour and should report back on alternative funding options to the Governing Body in March 2018. He proposed an amendment to the draft decision to that end.
- 634.** *A Government representative of Uruguay* said that it was a matter of concern that the ILO received funds from the tobacco industry and was involved with so-called socially

responsible business practices of the industry. ECOSOC had urged members of the UNIATF to take account of the model policy when developing their own policies on preventing tobacco industry interference. It was unacceptable to assert that relations with the tobacco industry were necessary to protect the best interests of the child, under the United Nations Convention on the Rights of the Child; on the contrary, avoiding engagement with the tobacco industry would reinforce compliance with that Convention. The Office and constituents should identify ways to fulfil the ILO's mandate that excluded any involvement of the tobacco industry, and alternative funding should be secured.

- 635.** *A Government representative of Indonesia* said that the ECOSOC resolution called on all UN agencies to work together to ensure separation of their activities from the tobacco industry. The ILO should cooperate with ECOSOC to prevent and control non-communicable diseases. It was important to ensure, however, that implementation of the model policy did not compromise the Office's efforts to promote decent work in tobacco-growing communities. He supported the strategy set out in the document, particularly the adoption of additional safeguards, the enhancement of social dialogue, and efforts to mobilize alternative resources, and he encouraged the Office to continue that work.
- 636.** *Also speaking on behalf of the Africa group*, a Government representative of Swaziland said that the current discussion would set a precedent for similar legislative activities. The Office had made progress in combating child labour through its PPPs, many of which were due to end in 2018. Those partnerships should continue to contribute to eliminating child labour and promoting decent work. The tobacco industry provided a livelihood for millions of people, most of whom were in vulnerable social groups, and often could not be substituted for another activity. As a result of PPPs, more than 6,000 children had been removed from child labour and awareness of child labour had increased in many communities. A multi-stakeholder approach, which included representatives from the tobacco industry, was crucial. PPPs should be extended beyond 2018.
- 637.** *A Government representative of Lesotho* said that tripartism was fundamental to the work of the ILO, and the tobacco industry could not be excluded from dialogue, as it was a legal economic activity and made a significant contribution to national economies, especially in Africa. Furthermore, revenue from that industry was used towards membership of the ILO and other UN agencies. The withdrawal of financial support from PPPs would lead to the reoccurrence of child labour in tobacco-growing communities, and she accordingly urged the Office to continue such partnerships. She supported the amendments proposed by the Employers.
- 638.** *A Government representative of Brazil* said that the ILO's activities should be in line with the model policy. However, ILO projects funded from PPPs were viewed positively by tripartite constituents in his country, and the tobacco industry made a significant contribution to employment and the economy in Brazil. Existing PPPs should be subject to robust safeguards. Moreover, the Office should actively seek funding from other sources, and he commended the strategy contained in the document, culminating in a report to the Governing Body in 2019. The Governing Body should take into account the consequences for beneficiaries of any abrupt withdrawal of funding resulting from the termination of PPPs.
- 639.** *Also speaking on behalf of the Africa group*, a Government representative of Ethiopia expressed support for the amendment proposed by the Employers.
- 640.** *A Government representative of Uganda* said that the ILO's engagement with the tobacco industry had produced positive outcomes in terms of combating child labour. Pursuant to the UN Convention on the Rights of the Child, the best interests of the child should be the primary consideration. He asked whether the Office had undertaken an evaluation of the impact on children of severing ties with the tobacco industry. The Occupational Safety and

Health Convention, 1981 (No. 155), provided for guidance to be given to employers, which included those in the tobacco industry, so as to promote safe working conditions. The principle of respecting commitments to UN policies and international instruments also encompassed ILO Conventions. Furthermore, most if not all member States collected taxes from the tobacco industry. He asked why it should be acceptable for the ILO to receive contributions from governments in part funded by those taxes, yet not acceptable for the ILO to cooperate with the tobacco industry in the fight against child labour. The ILO should not discontinue its cooperation with the tobacco industry in the absence of sustainable alternative sources of funding for programmes to combat child labour.

- 641.** *A Government representative of Canada* said that Canada was committed not only to furthering the principles and objectives of the FCTC but also to the mandate of the ILO and to fundamental principles and rights at work, including the effective abolition of child labour. Funding arrangements with tobacco companies and tobacco-related institutions were inconsistent with a number of key objectives of the FCTC. Canada supported the ILO's technical assistance to eliminate child labour in tobacco-growing communities and children's engagement in hazardous work. However, the document lacked information on the effectiveness and sustainability of the current projects, and stronger safeguards needed to be provided. The expiry of existing agreements in 2018 was a prime opportunity to move forward and seek alternative sources of funding. She supported the revised draft decision, as put forward by the Government representative of Ireland on behalf of the EU and its Member States.
- 642.** *A Government representative of Cameroon* said that his country supported the ILO's engagement with the tobacco industry so long as tobacco remained a legal crop.
- 643.** *Also speaking on behalf of the Africa group*, a Government representative of Namibia noted the failure to raise additional public funds for the elimination of child labour in tobacco-growing areas, although child labour was still prevalent in many countries in sub-Saharan Africa. PPPs had so far proved successful in combating child labour and promoting access to education and training. Taking into account the principles of the model policy and acknowledging that the existing safeguards needed to be updated, the Africa group was nevertheless of the opinion that the current PPPs with the tobacco industry should be continued.
- 644.** *A Government representative of Ecuador* said that, in light of the sensitivities involved, a clear position on future action was needed. The Organization should harmonize its activities with the ECOSOC resolution and the model policy; there was no reason to deviate from the system-wide approach to the issue, particularly as the UN Global Compact had excluded tobacco companies from its membership. The industry's legality and importance to national economies and the ILO's efforts to ensure decent work in the sector were irrelevant to the question of whether the Organization should accept funding for specific projects. States parties to the FCTC were obliged to oppose ILO financial cooperation with the industry. The ILO should increase its efforts to eliminate child labour in tobacco growing and seek alternative funding for the relevant programmes.
- 645.** *A Government representative of the United States* said that, while she acknowledged the health concerns related to tobacco and the tension between the ILO's partnerships with the tobacco industry and its role within the UN system, tobacco was a legal product. The ECOSOC resolution merely encouraged UNIATF members to develop and implement their own policies on preventing tobacco industry interference and recalled, but did not endorse, the model policy. Moreover, those instruments were non-binding and, while UN agencies should work together in pursuit of common goals, each agency should focus on its core mission and competencies. The ILO's ability to pursue a core component of its mission – the elimination of child labour – was paramount.

- 646.** She supported the first two elements of the proposed strategy (strengthened safeguards against tobacco industry influence, and efforts to strengthen social dialogue and engagement with the UNIATF), as well as efforts to mobilize resources. However, in view of the role of employers and workers in the uniquely tripartite Organization and the importance of transparency in PPPs, there was no need to reject funding from a legal industry that was willing and able to provide support on an important issue. Rejecting funding from one of the tripartite partners would not necessarily advance efforts to prevent the spread of non-communicable diseases and, in fact, would leave child tobacco workers exposed to health hazards.
- 647.** *A Government representative of Argentina* said that he endorsed the three-pronged approach set out in paragraphs 37–39 of the document with a view to eliminating child and forced labour and identifying alternative sources of funding.
- 648.** *A Government representative of Mexico* said that his Government was working to implement the FCTC and considered that new sources of funding for ILO efforts to eliminate child labour should be sought. He therefore supported the draft decision in its original wording.
- 649.** *A Government representative of Peru* said that his country was bound by its international obligations under the FCTC. Moreover, it was important to ensure consistency across the UN system; the ILO should implement the guidelines and policies set out in the ECOSOC resolution. However, in order to ensure continuity of funding for the elimination of child labour, a limited extension of the PPPs with the tobacco industry, ending no later than 31 December 2019, would be needed. Meanwhile, the Office should seek alternative sources of funding and submit an interim report to the Governing Body at its session in March 2018.
- 650.** *A representative of the WHO* said that a study carried out in 2011 pointed to a figure of around 1.3 million children being exploited through tobacco-farming activities in the 12 major tobacco-growing countries. The WHO cared deeply about the health hazards linked to those activities, but child labour should be addressed in ways that did not involve partnership with the tobacco industry. Tobacco use and exposure to tobacco smoke claimed over 7 million lives per year across the world and consumption of the product contributed to poverty, environmental degradation and significant economic losses for governments. There was a long history of tobacco industry interference in policy-making, and tobacco companies used partnerships to avoid regulation and legitimize their activities. Based on guidance provided by the FCTC secretariat, the UNIATF, of which the ILO was a member, had developed a model policy for UN agencies on preventing tobacco industry interference. In resolution E/RES/2017/8, ECOSOC encouraged Task Force members to develop and implement their own policies on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the UN system and those of the tobacco industry.
- 651.** *A representative of the Director-General (Legal Adviser)* said that the statement in the draft decision that the model policy was “endorsed” by the ECOSOC resolution reflected what was, in the Office’s view, the spirit and content of the resolution which, apart from recalling the model policy, “encouraged” UN agencies to develop their own policies on preventing tobacco industry interference, bearing in mind the model policy, in order to ensure an effective separation between their activities and those of the tobacco industry, thus recommending the same means of action with the same finality as the model policy. The goal of the recommendations contained in the model policy was encouraged – and hence implicitly endorsed – in the resolution, although the specific term did not appear in the resolution, as the Employer spokesperson and the Government representative of the United States had rightly pointed out.

- 652.** In response to the observation of the Employer spokesperson that the ILO's interaction with the tobacco industry bore no relationship with public health policies, which were the focus of the FCTC, and therefore the debate on the model policy was of little relevance to the work of the Organization in the tobacco sector, the Legal Adviser explained that, while it was true that article 5.3 of the FCTC and the implementation guidelines on that article referred to action to protect public health policies from the commercial and the vested interests of the tobacco industry, it should be borne in mind that the model policy and the ECOSOC resolution called for action well beyond the setting and implementation of public health policies. In its section on guiding principles, the model policy stated that "the UN system must work as one, ensuring a consistent and effective separation between its activities and those of the tobacco industry, to preserve its integrity and reputation and in promoting development", and "shall establish measures to limit interactions with that industry, and where interactions still occur, the recommendations of the guidelines for implementation of Article 5.3 of the Convention shall apply".
- 653.** With regard to the question asked by the Government representative of Uganda as to whether the Office had undertaken an evaluation of the impact on children of severing ties with the tobacco industry in the light of article 3 of the UN Convention on the Rights of the Child which recognized the "best interests of the child" as primary consideration, the Legal Adviser noted that those provisions were addressed to States parties to that Convention and the same was true of the provisions of the relevant ILO Conventions. In any event, the debate was not about the ILO disengaging from the tobacco sector altogether and thus putting an end to current activities for the elimination of child labour in the tobacco sector, but only – if the Office were so instructed – discontinuing existing PPPs with tobacco companies. The Office had requested the Governing Body to provide guidance as to whether the ILO should adopt its own policy on cooperation with the tobacco industry and, if so, to what extent that policy should be based on the model policy.
- 654.** *The Employer spokesperson* thanked the Legal Adviser for his explanation that what the Governing Body was discussing lay outside public health policies with regard to tobacco control. He had confirmed that the FCTC and the model policy were not binding. The ILO's social mandate extended beyond the scope of the FCTC. The consequences of any abrupt withdrawal of funding from vulnerable children and families had been clearly noted, as had the contribution of income from the tobacco industry to national economies. The Employers were of the opinion that the tobacco industry was a legal one and should be accorded the same treatment as any other legal industry.
- 655.** *The Worker spokesperson* wanted to differentiate between the obligations of member States to the ILO, on the one hand, and to those from other UN commitments, on the other. The ILO needed to continue to engage and even increase engagement with the tobacco sector and other sectors to promote decent work and eliminate child labour. However, the contribution of significant funds (around US\$15 million) by the industry to support programmes on the elimination of child labour was another matter. There was no doubt that those programmes had some benefits, but they did not focus on decent work in the tobacco sector in general. It was certainly an issue that there was no clear commitment to the future funding of the programmes, but the question under consideration was whether to continue the specific financial contribution of the tobacco industry to programmes on the elimination of child labour. Taking into account the commitment of the ILO and its member States to the FCTC and its related policies and measures, she was of the view that the ILO would have to consider discontinuing its partnerships with the tobacco industry as soon as possible, while at the same time remaining engaged with the sector in order to promote decent work and promote the elimination of child labour. She hoped that all those who had spoken in favour of ending the partnerships would show commitment to the alternative funding plan that the Office had been invited to explore.

- 656.** *The Director-General* presented a revised draft decision which had been prepared on the basis of the views expressed during the debate. There had been unanimous agreement on the ILO's responsibilities in respect of the tobacco sector, but opinion had been divided on whether the model policy for agencies of the United Nations system on preventing tobacco industry interference had any bearing on or was relevant to ILO activities in the tobacco sector. More particularly, the disagreement had centred on ILO acceptance of funding from the tobacco industry. There had been a majority in the Governing Body in favour of discontinuing acceptance of funding from the industry, although a number of participants had expressed concerns about the need for alternative arrangements to be put in place to ensure the continuation of ILO activities in the event that the Governing Body decided no longer to accept funding from the tobacco industry.
- 657.** *The Worker spokesperson* said that she was pleased that the revised draft decision recognized that considerable decent work deficits existed in the sector and that the ILO must continue to address those matters through an integrated strategy. Child labour was certainly a challenge, but not the only one. Having carefully examined the model policy, the Workers agreed that no new funding should be accepted by the ILO from the tobacco industry, but on the clear understanding that the ILO and all its constituents must take responsibility for the next steps. Difficulties in the past showed that developing an integrated strategy and mobilizing funding might prove a challenge. A progress report must therefore be submitted to the Governing Body in March 2018, to ensure that the requisite action was discussed before the first PPP expired in June 2018. The Workers supported the revised draft decision.
- 658.** *The Employer spokesperson* said that adoption of the revised draft decision presented by the Office would have a serious impact on and would discriminate against the tobacco sector. The Employers were extremely disappointed that the revised draft decision failed to reflect the breadth of the issues covered in the document or the full scope of the discussions that had taken place. It raised serious governance issues because, rather than reflecting those discussions, it appeared to be advocating one particular outcome. That was especially disappointing, since informal efforts to find a possible way forward had been gaining support among the constituents, and those efforts had been cut short prematurely.
- 659.** The idea of a multi-donor trust fund with tripartite governance might gain the backing of the majority of Governing Body members, since it would serve as exactly the type of safeguard called for in the Office document and would address the interests and objectives of all parties while continuing to uphold the principle of tripartism on which the ILO was founded. The Employers did not support the revised draft decision presented by the Office, and put forward an alternative, which read:
- The Governing Body:
1. recognizes that major employment and decent work challenges exist in the tobacco sector, including in respect of child labour, which need to be addressed by the ILO in an integrated strategy;
 2. recalls the ECOSOC resolution of June 2017 relating to the model policy for agencies of the United Nations system on preventing tobacco industry interference;
 3. calls upon the Director-General to develop an integrated strategy for the tobacco sector, to mobilize funding through a multi-donor tripartite-governed trust fund with the safeguards outlined in paragraph 37, and to report on progress in this regard to the 334th Session of the Governing Body in October 2018.
- 660.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that he was pleased that the revised draft decision had incorporated his group's suggestions. The integrated strategy must ensure the ongoing delivery of existing programmes to combat child labour on tobacco farms and, when seeking to mobilize alternative funding for those programmes, the Office should engage with governments, the private sector and

non-governmental organizations. Consideration should also be given to using the ILO's own resources to fund the programmes if alternative external funding could not be secured. The integrated strategy should also include the safeguards outlined in paragraph 37 of the document. ASPAG supported the revised draft decision proposed by the Office.

661. *Speaking on behalf of the EU and its Member States*, a Government representative of Ireland supported the revised draft decision proposed by the Office in its entirety. His group was greatly in favour of developing an integrated strategy, which would contribute meaningfully to the elimination of child labour and promote alternative and sustainable livelihoods. It was vital to find an alternative, acceptable and sustainable model to finance action to promote decent work in the tobacco sector.
662. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire underlined the lawful nature of tobacco production and the non-binding nature of the model policy, and taking into account the need for continued efforts to combat child labour, his group asked for more time and requested a suspension of the session.
663. *A Government representative of the United States* expressed disappointment at the introduction of the revised draft decision. There was no conflict between the ILO pursuing its mandate and accepting money from a legal industry that produced a legal product and was part of one of the Organization's social partners. Neither did it conflict fundamentally with the ILO's role in the UN system. Hampering the funding of ILO efforts to combat child labour in the tobacco industry would not advance efforts to prevent the spread of non-communicable diseases, but rather might achieve precisely the opposite if children remained exposed to the hazards of work in tobacco production. Refusing contributions from the industry would diminish the ILO's ability to achieve its core mission of eliminating child labour. His Government supported the Employers' proposal but not the revised draft decision presented by the Office.
664. *A Government representative of Canada* said that the revised draft decision responded to the concerns outlined by her Government in the earlier discussions. She welcomed the commitment to continue work on the tobacco sector, including on child labour, the policy coherence with the ECOSOC model policy and the commitment that no new funding would be accepted by the ILO from the tobacco industry beyond the expiry date of current projects. Her Government looked forward to hearing about efforts to mobilize alternative sources of funding, including from the private sector and non-governmental organizations, at the 332nd Session of the Governing Body in March 2018. It supported the revised draft decision.
665. *A Government representative of Mexico* said that his Government was aware of the need to take an objective approach to the issue and to ensure that any decisions adopted were faithful to the objectives and principles of the ILO, while enabling the Organization and governments to fulfil their obligations. In that regard, it had taken note of the legal arguments which had been presented and which were an essential part of the process of forming an objective, fair and balanced position. In managing resources from the tobacco industry, the ILO should ensure that any action was in line with the WHO FCTC and did not hinder government efforts towards tobacco control and promoting alternative employment options for workers and the transition to alternative crops. In that regard, the safeguards outlined in paragraph 37 of the document were fundamental. His Government supported the amendments proposed to the draft decision by the Employers.
666. *A Government representative of Italy* supported the EU's position and said that his Government highly valued the spirit of consensus in all multilateral forums and, in particular, the tripartite consensus within the ILO, it would prefer a solution based on a broad consensus and it called for flexibility to be shown by all parties in order to reach a solution that was acceptable to all.

- 667.** *A Government representative of Uruguay* supported the revised draft decision presented by the Office, which reflected the earlier discussions and the position of the majority and took into consideration the different interests concerned. Her Government endorsed the statements made by ASPAG and the EU and its Member States. It did not support the amendments proposed by the Employers.
- 668.** *A Government representative of Ecuador* welcomed the revised draft decision presented by the Office, which reflected the need for the ILO to redefine its relationship with the tobacco industry. It was a prudent, well-balanced text that provided a sufficient time frame in which to make the necessary changes in mobilizing new funding options. His Government therefore supported the revised draft decision.
- 669.** *A Government representative of Argentina* said that his Government favoured a gradual approach to the replacement of tobacco industry funding, which should be discussed further within the broader framework of ILO cooperation with the private sector and non-State actors. He endorsed the text proposed by the Employers.
- 670.** *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group remained in favour of continued ILO cooperation with the tobacco industry, in line with the Organization's mandate. For that reason, the Africa group backed the amendment to the draft decision proposed by the Employers.
- 671.** *The Worker spokesperson*, referring to the Employers' proposal, said that, for her, employment should connote decent work and should not be treated as a separate issue. However, research showed that decent work deficits were widespread; consequently the first paragraph of the draft decision should refer to "decent work deficits and challenges". There was no question of deleting the third paragraph of the Office's draft decision. Since the ILO and a number of its member States were party to the WHO FCTC, it would be hard to advocate continuing a relationship with the tobacco industry that violated a number of obligations under that Convention. The proposed multi-donor tripartite-governed trust fund left the door open for continued funding from the tobacco industry. When preparing for the March 2018 session of the Governing Body, the Director-General should therefore look carefully at suggestions regarding alternative funding from a wide variety of sources and then submit a proposal that would both satisfy needs and meet all the concerns which had been voiced, especially by Government representatives from Africa and Latin America who had called for continued ILO commitment to promoting decent work in the tobacco sector. The Office proposal was in line with the Organization's commitment to work with all legitimate and legal economic sectors and to address decent work deficits for the sake of the 60 million workers employed in the tobacco industry.
- 672.** *The Employer spokesperson* said that there was clearly significant backing for continued ILO cooperation with a legal industry that was recognized by many of the member States. Since many other business sectors also posed social and environmental risks and challenges, it would be discriminatory to end collaboration with or funding from the tobacco industry. Given that much of the ILO's work concerned social rights, it was surprising that some people wished to remove the reference to employment from a draft decision concerning cooperation with a sector that had created 60 million jobs. The concepts of employment and decent work deficits and challenges could all be accommodated in the draft decision. While her group favoured a consensus decision, paragraph three constituted a red line that could not be crossed. ECOSOC Resolution 2017/8 relating to the model policy for agencies of the United Nations system on preventing tobacco industry interference and the guidelines for implementing the WHO FCTC were non-binding instruments. Further work was therefore required on the issue to take account of the concerns of her group.

- 673.** *A Government representative of Brazil* noted that since there had been no opposition to the basic idea contained in the first paragraphs of the two proposals, it might be possible to find a compromise solution. With respect to paragraph 1, his Government preferred the language suggested by the Director-General. Paragraph 2 had not given rise to any objections. Apparently some delegations were in favour of, or could live with, paragraph 3 of the Director-General's draft. The process of setting up an innovative funding mechanism and developing an integrated strategy might indeed offer an opportunity to reconcile all the viewpoints expressed during the debate, without prejudice to a collective position on paragraph 3.
- 674.** *A Government representative of Uganda*, drawing attention to the principle embodied in Article 3(1) of the Convention on the Rights of the Child that the best interests of the child were of primary importance, asked the Office to provide an evaluation of the impact of the decision which was about to be adopted. His Government welcomed the Employers' call for an integrated strategy for the tobacco sector and the mobilization of funding through a multi-donor tripartite-governed fund. The WHO should focus on tobacco-related health problems. The ILO's task was to deal with social issues and, in order to do that, it must have the freedom to work with all employers, whether they complied with international labour standards or not. His Government backed the amended version of the draft decision proposed by the Employers' group.
- 675.** *A Government representative of Lesotho* said that, although it was a part of the United Nations system, the ILO must cleave to its mandate and tripartism. The economic significance of the tobacco industry to Africa and some other regions should not be underestimated. PPPs had provided essential funding for Office efforts to eliminate child labour in the tobacco industry. Given that it was uncertain whether alternative funding could be mobilized for the ILO's work in that sector, it was unthinkable to abandon those partnerships. For that reason, her Government supported the amendments put forward by the Employers' group.
- 676.** *A Government representative of Ethiopia* said that the plight of destitute child labourers without access to education was central to the issue of ILO cooperation with tobacco companies. It would not be sensible to pull out of PPPs before alternative solutions had been found. Consequently, Ethiopia backed the amendments proposed by the Employers' group.
- 677.** *A Government representative of Namibia* said that the integrated strategy referred to in the draft decision would assist the tobacco industry in tackling the issue of child labour. His Government backed the Employers' amended draft decision.
- 678.** *A Government representative of Swaziland* said that her Government was in favour of an integrated approach. While children working for tobacco companies, which were legitimate business concerns, were beseeching the ILO to assist the countries concerned to eliminate child labour, their socio-economic situation would become worse if PPPs and funding from the tobacco industry were terminated. Consequently, Swaziland endorsed the Employers' amended text.
- 679.** *The Director-General* drew the Governing Body's attention to a revised draft decision. While there had been no clear majority opinion on the crucial issue of whether the ILO should accept funding from the tobacco industry, some very strong points of convergence had emerged from the discussions. There was a feeling that the ILO had clear responsibilities towards the tobacco sector, which had to be carried forward. The revised draft decision, which used previously agreed wording, therefore called on the Director-General to present an integrated strategy to address decent work deficits in the tobacco sector to the 332nd Session of the Governing Body. That would allow the Office more time to resolve the outstanding issues.

680. *The Worker spokesperson* said that she thought that an agreement had been reached on the previous version of the draft decision, in which the Director-General would have first been requested to develop an integrated strategy and then, when that strategy had been debated, the Governing Body would be asked to take a decision about funding from the tobacco sector. However, the revised draft decision did not contain many of the elements from the Office's original proposal. She asked why the draft decision did not recall the ECOSOC Resolution of June 2017 relating to the model policy for agencies of the United Nations system on preventing tobacco industry interference. Since no one denied that the model policy constituted a challenge for the ILO, she wondered why any reference to it had been omitted. Her group welcomed the consensus that the problems extended beyond child labour and included the need to address decent work deficits. Nevertheless, she asked the Director-General to confirm that the revised draft decision implied consideration of the model policy and its impact on the work of the ILO and its constituents.
681. *The Employer spokesperson* said that the revised draft decision offered a way forward without touching on any of the points which had triggered disagreement. It would give the Office more time to prepare a more robust and comprehensive integrated strategy. It would be unwise to reopen the substantive discussion. However the Employers were concerned about the lack of any reference to employment challenges or of recognition that decent work deficits were not a problem throughout the tobacco sector. If those concerns were taken into account, she would be able to support the draft decision.
682. *A Government representative of Switzerland* emphasized the high quality of the cooperation projects in question, which were led in a professional manner by ILO collaborators. The impact of those projects on work in the tobacco sector was undeniable. His Government was in favour of a pragmatic solution that would not put an end to projects which had proved their worth and which satisfied the beneficiaries. However, sustainable alternative sources of funding should be identified. He therefore supported the draft decision.
683. *A Government representative of Canada* said that the revised draft decision was disappointing because many of the elements from the previous version of the draft decision had been stripped away, despite previous agreement. Her government fully supported the ILO's action in the tobacco sector, which was a legal industry, where the ILO had a role to play in promoting and realizing fundamental principles and rights at work, with particular regard to child labour. However, the source of funding had to change owing to the unique circumstances that applied to the tobacco industry, namely the existence of the FCTC and experience with actors in the sector in the past. While the membership and mandate of the ILO were different to those of other UN agencies, the responsibilities of signatories to the abovementioned Convention did not stop at the Office's door. Her Government had supported the previous draft decision, but could not support the revised draft decision as it was insufficient. When the Governing Body resumed its discussion of the issue in March 2018, she expected to see a commitment from the Office to end the current financial arrangements with the tobacco industry and its associations, and evidence that it had actively sought alternative sources of funding, including from the private sector and non-governmental organizations.
684. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that the central issue, to ensure funding for activities to combat child labour in the tobacco sector, must be clearly taken into account in the proposed integrated strategy. He supported the revised draft decision.
685. *Speaking on behalf of the EU and its Member States*, a Government representative of Ireland reiterated that that funding from the tobacco industry should cease when the current PPPs expired and that the ILO should adhere to the norms established for international organizations' interaction with the tobacco industry. However, workers in the tobacco sector

should not be disadvantaged. Hence the Office should ensure that the proposed integrated strategy encompassed a long-term funding model for the programmes which would be affected. The revised draft decision was also disappointing because it failed to provide for a consultative process in developing that integrated strategy.

- 686.** *The Chairperson* reiterated the commitment by the Office to undertake further consultations to develop the integrated strategy.

Decision

- 687.** *The Governing Body called on the Director-General, taking into account all views expressed in the current session, to present to the 332nd Session of the Governing Body in March 2018 an integrated ILO strategy to address decent work deficits in the tobacco sector.*

(GB.331/POL/5, paragraph 41, as redrafted in light of the Governing Body discussion.)

Sixth item on the agenda

Enhanced programme of development cooperation for the occupied Arab territories (GB.331/POL/6)

- 688.** *A representative of the Director-General* (Regional Director for the Arab States) said that, since the publication of the Office document, the ILO had approved approximately US\$1 million from the RBSA to support the establishment of the Palestinian social security corporation, and the Office had gratefully received a financial contribution of US\$1 million from the Government of Qatar to support that project and thanked the Government of Kuwait for its annual contribution. Furthermore, a reconciliation agreement had been signed between Fatah and Hamas on 12 October 2017. That breakthrough achievement would have a positive impact in expanding the ILO Decent Work Programme (DWP) for 2018–22 and on resource mobilization to increase humanitarian and development assistance to the Occupied Palestinian Territory.
- 689.** *The Employer spokesperson* said that the situation remained concerning. The rebuilding of Gaza was proceeding slowly and with limited international support. Palestinian economic growth had been sluggish, and unemployment and poverty were pervasive. Two-thirds of Palestinians required humanitarian assistance. ILO interventions must focus on building the capacity of tripartite constituents to ensure a well-functioning labour market. Accordingly, the Employers welcomed the various work promotion studies, programmes and strategies initiated by the ILO, especially its support to the development and implementation of a social security system. They also welcomed the fact that the new DWP would be finalized in consultation with tripartite constituents. It was hoped that the challenges in social dialogue would soon be overcome. To help improve labour market mobility, more cooperation was needed between the Government of Israel and the Palestinian Authority. The ILO could and should provide large-scale assistance within the framework of the new flagship programme on Jobs for Peace and Resilience.
- 690.** *Speaking on behalf of the Arab Employers' group*, an Employer member from the United Arab Emirates said that his group was concerned about the ongoing deterioration of the situation in the occupied Arab territories. The Governing Body should address the situation objectively and as a matter of urgency. The enhanced programme of development

cooperation had not been implemented due to lack of funding, therefore funds should be sought from the regular budget of the ILO and from other sources. The ILO should focus on the situation of Palestinians working in the Israeli settlements. He requested the Office to take account of the Employers' present and past requests. It should also take account of the conclusions of the 44th Arab Labour Conference, which called on the ILO to send a fact-finding mission to examine the situation on the ground and ensure implementation of the ILO Declaration on Fundamental Principles and Rights at Work, to establish a standing committee that would report to the International Labour Conference on the situation of workers in the occupied Arab territories, and to hold a donor conference to secure sources of funding to support Palestinian workers. There was a need to provide decent work opportunities to all people living in the Occupied Palestinian Territory and to support the development of a comprehensive social security system that involved both the public and private sectors. A roadmap tailored to local realities was needed, and an action plan implemented through cooperation among all stakeholders and funded by donors. It was hoped that the reconciliation agreement would lay the basis for lasting peace.

- 691.** *The Worker spokesperson* welcomed the three priority areas in the DWP, which were employment, labour market governance and international labour standards, and social security and social protection. His group supported ongoing efforts to foster social cohesion, justice and equality. He welcomed the employment diagnostics study, which provided an inventory and preliminary analysis of available programmes and employment-related initiatives in the occupied Arab territories. He noted that an ILO study on the future of work had revealed that the public sector had reached its absorption limit and the private sector was too weak to stimulate employment. Self-employment and entrepreneurship were often presented as promising options but it was unlikely that young workers would be able to make a living out of them. It was crucial to raise resources to support the new DWP, including the operationalization of the new social security system. The Workers urged the Office to incorporate into its document on enhanced development cooperation the report submitted to the 2017 session of the International Labour Conference, which described the enormous challenges in the occupied Arab territories. Further, ILO development cooperation should focus on measures to provide social protection to Palestinians working in Israel and find a fair mechanism through which contributions paid by those workers would be transferred to the Palestinian social security fund. The Workers fully supported the promotion of the Decent Work Agenda and social justice for Palestinians while continuing to express concern at the occupation, the stalled peace process and critical humanitarian situation in Gaza.
- 692.** *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that the ILO's first DWP in the occupied Arab territories, over the comparatively short period of 2013–17, had made considerable progress. However, problems persisted in terms of funding and the full incorporation of the ILO's strategic objectives. For the 2018–22 programme, the group would like to see the Organization mobilize additional funding from partnerships and reallocate resources to fund the promotion of social dialogue and tripartism in the occupied Arab territories. He encouraged member States to follow the cooperation model of Algeria, which had offered Palestinian professionals training on social security. The Africa group fully supported the enhanced programme of development cooperation and the establishment of the Palestinian social security institution.
- 693.** *Speaking on behalf of the Arab group*, a Government representative of Iraq said that the ILO's work to support reform in the occupied Arab territories, particularly of labour legislation, would help greatly to create decent work opportunities and tackle the worsening unemployment. He welcomed the proposals to promote tripartite dialogue, establish trade unions and provide women with greater access to the labour market. Statistics from early 2016 showed that women's employment had decreased sharply, so that now the majority were unemployed, whereas 65 per cent of men were in work. A further, particularly important, step forward was the adoption of legislation establishing a social security system,

which would enable the mobilization of resources to overcome difficulties faced by Palestinian workers and safeguard their rights in line with the 1995 Paris Protocol. The group called on the ILO to continue its highly valued work in the occupied Arab territories, in particular its technical and financial support to develop a social security system, and on member States to fully support the DWP for 2018–22.

- 694.** *The representative of the Director-General* (Regional Director for the Arab States) said that the Office was focusing its resource mobilization efforts on support for the social security system and the various activities in the DWP. As to resource mobilization, the Office was to submit a proposal to the EU soon. Furthermore, a recent meeting on the ILO social protection floors flagship programme had provided an opportunity to explore potential partnerships, as the Occupied Palestinian Territory had been presented as a success story. The Office had also partnered with UN Women to promote Palestinian women's access to economic opportunities and decent work, and had received an initial contribution from the Government of Italy for that purpose. The Office was discussing a possible partnership with the Bank of Palestine to support decent work, particularly in SMEs, cooperative development and women's empowerment. It was also cooperating with the UN, and under the recently signed UN Development Assistance Framework for the territories, US\$10 million would be mobilized over a five-year period, of which two-thirds was available and the remaining third would be mobilized over the next five years.
- 695.** The second DWP was currently in the final stages of approval. The three priority areas of the first programme had been retained, and, in response to Members' requests, there would be greater emphasis on strengthening social dialogue and freedom of association. She expressed the hope that the recent reconciliation agreement, the return of the Gaza crossing to the control of the Palestinian Authority and the possibility of Egypt opening the Rafa crossing would stimulate economic activity and create more interest among potential donors. The Office was aware of the need to increase its support to Gaza, and planned to conduct a needs assessment with the tripartite constituents and promote further transfer of knowledge, as well as social dialogue, in addition to the work it was doing in the areas of OSH, entrepreneurship and skills development. The Office would also be able to draw on its considerable experience of job creation and infrastructure development elsewhere to identify potential interventions in Gaza.
- 696.** *The Chairperson* confirmed that the Governing Body had taken full note of the progress made and had recognized the challenges faced in implementing the current DWP as well as the need for resource mobilization to support the full implementation of the programme. It had provided clear guidance to the Office.

Outcome

- 697.** *The Governing Body took note of the report contained in document GB.331/POL/6 and provided guidance to the Office.*

(GB.331/POL/6.)

Legal Issues and International Labour Standards Section

Legal Issues Segment

First item on the agenda

Incomplete delegations to the International Labour Conference and Regional Meetings ([GB.331/LILS/1](#))

- 698.** *The Employer spokesperson* said that the recurrent problem of incomplete or non-accredited delegations to the International Labour Conference and Regional Meetings, which concerned particularly Members from the Caribbean and Pacific Island subregions, undermined tripartite representation. Previous efforts to address the issue had had minimal results. While some Members had put forward the lack of financial means, the Employers noted that they did not conduct any process of designation of their tripartite delegations. The Office should therefore provide them with guidance and technical assistance and with options for affordable lodging and other budget-friendly alternatives prior to the next session of the Conference and in preparation for Regional Meetings. The Credentials Committee should be empowered to take action in the case of delegations that, year after year, were incomplete or composed solely of Government delegates with no objection lodged by the country's employers or workers; tripartite representation was not only a right but also an obligation. A new compliance mechanism, or even an amendment to the *Rules for Regional Meetings*, might be needed. His group supported the draft decision.
- 699.** *The Worker spokesperson* regretted that the number of Members that were represented by incomplete delegations or not represented at all at the Conference during the period under review was approximately the same as during the previous period. This situation undermined tripartism and had to be redressed. The Office should make targeted efforts to address the problems encountered by States, particularly in the Caribbean and Pacific Island subregions, in order to ensure tripartite participation. He invited all member States to meet their constitutional obligations by remedying serious and manifest imbalances in delegations in favour of governments so that the social partners could take part in all of the Conference's technical committees. It was unfortunate that in the case of Asia and the Pacific the number of incomplete and non-accredited delegations to Regional Meetings had increased; he urged all member States to send tripartite delegations to Regional Meetings and the Office to conduct targeted remedial actions. Furthermore, while the number of objections regarding the failure of member States to nominate either Employer or Worker delegates was growing, the fact that the Credentials Committee had not always received explanations from the States concerned made it difficult for the Committee to discharge its mandate. States had to be more cooperative in the future by providing information if so requested.
- 700.** Pre-conference seminars offered by the International Training Centre in Turin facilitated participation of tripartite delegations, and measures taken jointly with the host country in order to provide low-budget accommodation could reduce the economic burden of participation in the Conference. However, finances were not the only problem and other efforts were needed in order to secure fully tripartite delegations. It was further observed that the document made no mention of the proportion of women accredited in Conference delegations, an issue that had not been discussed since 2012. The Office should submit a

report on that matter to the Governing Body at its March or November 2018 session. With those comments, his group supported the draft decision.

- 701.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that the Office should continue to raise awareness of the need for member States to accredit full tripartite delegations to the Conference; engage bilaterally with member States to monitor compliance with article 3 of the Constitution of the ILO and report on the outcome of those efforts; and enable remote participation, including through video conferencing, where full delegations could not be sent. Her group supported the draft decision.
- 702.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that governments were aware of their constitutional obligation regarding the accreditation of tripartite delegations and did not wish to prevent their countries' workers and employers from being duly represented. He noted that most governments that had not sent full delegations had said that they were unable to do so owing to financial constraints, natural disasters or internal strife. His group supported the draft decision.
- 703.** *The Employer spokesperson* said that, like the Worker spokesperson, he was concerned about member States' failure to provide the Credentials Committee with an explanation regarding their incomplete delegations; immediate action was needed.
- 704.** *A representative of the Director-General (Legal Adviser)* said that the Office took due note and would consider how best to follow up on the different proposals for promoting tripartite participation, including through strengthening the role of the Credentials Committee. Online participation in the Conference and Regional Meetings would pose both logistical and substantive problems, particularly with regard to participation in the work of technical committees by means of moving amendments, voting or attending drafting groups and group meetings. Regarding the participation of women, he recalled that after each session of the Conference, the Director-General sent a letter to each member State that had failed to meet the 30 per cent target for the participation of women in its delegation. However, no consolidated report had been submitted to the Governing Body in the past five years. The Office could certainly prepare a report for submission to the Governing Body at its March 2018 session, as requested by the Workers' group.

Decision

705. *The Governing Body:*

- (a) *urged member States to comply with their constitutional obligations to accredit full tripartite delegations to sessions of the International Labour Conference and Regional Meetings; and***
- (b) *requested the Director-General to continue to monitor the situation of member States which fail to accredit a tripartite delegation to sessions of the International Labour Conference and Regional Meetings, taking into account the guidance provided by the Governing Body.***

(GB.331/LILS/1, paragraph 15.)

International Labour Standards and Human Rights Segment

Second item on the agenda

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

Report of the Officers, in accordance with paragraph 17 of the terms of reference of the Standards Review Mechanism Tripartite Working Group ([GB.331/LILS/2](#))

Financial arrangements for two meetings of the Standards Review Mechanism Tripartite Working Group (2018–19) ([GB.331/LILS/2\(Add.\)](#))

706. *The Worker spokesperson* noted the importance of the fact that the third meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) had agreed on a three-classification system of standards: “up-to-date instruments”, “instruments requiring further action to ensure continued and future relevance” and “outdated instruments”, and had classified 19 standards on occupational safety and health (OSH) accordingly. Additionally, two gaps in standards were identified and the SRM TWG had agreed on practical and time-bound follow-up action, covering the promotion of the ratification and implementation of standards classified as up to date, technical assistance, standard-setting action and non-normative action. Follow-up by the Office and ILO constituents of the recommendations was a key element in keeping the body of ILO standards up to date, particularly as in the past recommendations of the Cartier Working Party concerning ratification of up-to-date standards had not always been followed up. Her group attached great importance to the SRM TWG’s request to the Office to treat the recommendations of the meeting, as adopted by the Governing Body, as a matter of institutional priority, and to make proposals on how to address standard-setting activities and non-normative follow-up, both of which would have an impact on the human and financial resources of the Office and on the agenda of the Conference. It requested the Office to allocate sufficient resources to the promotion of the ratification of those standards identified as up to date, and invited member States that had not yet done so to prioritize the ratification of those instruments.

707. She noted with concern the presence at the third meeting of the SRM TWG of a representative of the International Chrysotile Association, who was not a registered participant. After leaving the meeting room at the request of the Office, the individual remained in the building for several days and spoke with participants. Another representative of the International Chrysotile Association apparently attended the meeting within the Employers’ delegation. The Association had subsequently placed a so-called report of the SRM TWG meeting on its website claiming that, by deeming the Asbestos Convention, 1986 (No. 162), to be up to date, the SRM TWG had endorsed the responsible and controlled use of the chrysotile fibre, which was absolutely not the case. That document had subsequently

been removed from the Association's website after the Employers' group had intervened. The Workers' group recalled the number of deaths caused annually by asbestos and that the 2006 ILC resolution concerning asbestos classified all forms of asbestos as human carcinogens. The SRM TWG had confirmed that the elimination of asbestos diseases was a priority, which would best be achieved by ending the use of all forms of asbestos. The Workers' group endorsed the draft decision.

- 708.** *The Employer spokesperson* considered the outcomes of the third meeting of the SRM TWG to be promising and forward-looking. While differences of opinion had existed, it had been possible to reach decisions on which everybody agreed. She said that it was important to draw on lessons learned to constantly improve the review of standards. For future meetings of the SRM TWG, more comprehensive information on the relevance of the reviewed standards to the real world of work would be helpful; the Office should engage with constituents to identify data on the extent to which standards were applied in law and practice in member States. Article-by-article analyses of the instruments under review should be conducted within the resources available and alternative proposals for the classification and follow-up of reviewed standards should be presented in the preparatory technical notes. Furthermore, a clearer common understanding of the current classification system was needed, as it seemed that there were different understandings of their implications. The Office should propose definitions and indicators for the classification categories to minimize the possibility of subjective interpretations.
- 709.** It was important to adopt an integrated regulatory approach to standards on OSH. In determining follow-up, the SRM TWG would have the unique opportunity to develop an overall concept for OSH standards to replace the past piecemeal approach. That should involve synchronizing standards with technical guidelines, codes of practice and other non-normative ILO action. Ways to facilitate the updating of instruments should be considered, including the use of electronic platforms. The Office should submit suggestions on those matters to the next meeting of the SRM TWG, when it would complete its review of the OSH standards. She reiterated the Employers' preference that the reports of the meetings should comprehensively and faithfully summarize the SRM TWG's discussions. That would facilitate a better understanding of the considerations underlying decisions, as well as facilitate compromise where differing opinions existed, by ensuring that points of view were reflected.
- 710.** Her group supported the draft decision and reiterated the group's understanding that: the Office would make proposals to the next SRM TWG meeting concerning a broader, integrated concept of OSH standards; the introduction of the new classification system in NORMLEX concerned only standards classified accordingly by the SRM TWG, with existing classifications maintained until replaced by the SRM TWG; and any standard setting would need prior agreement on an integrated concept on OSH and should be harmonized with non-normative follow-up.
- 711.** *The Worker spokesperson* clarified that the report of the SRM TWG's third meeting had been the subject of extensive discussion and agreement by all groups. She was concerned that remarks from the Employers seemed to challenge parts of that agreement and wished to take away the impression that there was disagreement on those matters.
- 712.** *The Employer spokesperson* clarified that her group supported the report of the SRM TWG's third meeting.
- 713.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that the report of the SRM TWG's third meeting faithfully reflected the outcome of the meeting. His group supported the establishment of a new classification system and welcomed the decision to reflect the classifications in NORMLEX to ensure

transparency. The review of OSH instruments had contributed to the overall objective of ensuring an up-to-date body of international labour standards. The decision to review, at the fourth meeting of the SRM TWG, the remaining subgroup of OSH instruments on specific branches of activity, as well as instruments concerning labour inspection and labour administration, was welcome. His group supported the participation of technical advisers and representatives of other international organizations. With constructive dialogue, collaboration, transparency and outcome-focused tripartite decision making, the SRM TWG would continue to achieve its objectives. The Government group supported the draft decision.

- 714.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group welcomed the consensus-based recommendations on the OSH instruments, including the simplified classification system and the understanding that the legal status of all standards remained active until abrogated, withdrawn or replaced by the International Labour Conference. IMEC supported the proposed subject matter of the fourth meeting of the SRM TWG and emphasized the importance it attached to the participation of technical advisers, who facilitated the informed participation of Government members. The participation of representatives of international organizations was supported where it added value; their roles should be clearly defined and their input reflected in the report of the SRM TWG. She expressed surprise at the lack of provision for the SRM TWG in the Programme and Budget for 2018–19 and queried the basis for the high projected cost for travel and subsistence. Concrete and time-bound follow-up was crucial. The Office should integrate the outcomes of the SRM TWG into its work, including when proposing agenda items for the Conference. In that regard, she noted the recommendations regarding revision of instruments, including the possible consolidation of instruments and efforts to address regulatory gaps, which could facilitate timely action and help to ensure a body of up-to-date standards. Her group supported the draft decision.
- 715.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the SRM TWG's review at its third meeting had contributed significantly to the overall objective to ensure that the ILO had an up-to-date body of international labour standards. His group noted the three-classification system and recommended that the NORMLEX database should provide adequate explanations in relation to instruments to avoid any confusion. The Office should submit proposals on the gaps in coverage identified in the context of the instruments concerning maximum weight, and anthrax, consolidation of the instruments on chemical hazards, and the revision of the instruments on guarding of machinery. The participation of the technical advisers to support the members at the third meeting was welcome and should be continued to ensure success of the future meetings. The need for time-bound action was emphasized. His group supported the draft decision.
- 716.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, and Bosnia and Herzegovina aligned themselves with the statement. She considered that the work of the SRM TWG was vital. She welcomed the fact that the SRM TWG's work had extended far beyond classification, including recommendations for follow-up action. In particular, the integrated approach taken to chemicals, biological hazards and ergonomics was conducive to coherent and result-oriented standard setting capable of adapting to the changing world of work and to the evolution of scientific knowledge. That approach should facilitate ratification and concise reporting, and enable a framework to be implemented in specific country contexts with the contribution of the social partners. The integrated approach corresponded with EU law relating to OSH, and her group was willing to share information in that regard, as well as on setting and updating limit values, during the revision and standard-setting process. Her group looked forward to the Office's proposals on ways to ensure coherence and consistency in the standards policy framework in relation to OSH instruments, including considering consolidation as a possible option. The mapping exercise

on the application of standards to non-metropolitan territories was important to ensure the relevance and effective application of labour standards in the concerned territories, and she welcomed the intention to offer technical assistance. International labour standards and their supervision contributed to the promotion of universal human rights and directly affected the EU and its policies. The way in which the SRM TWG had functioned during its third meeting had allowed it to best fulfil its mandate; future meetings should continue to operate in the same way. The outcomes of the SRM TWG should be fully integrated into the activities of the Office and should be in line with other ILO activities. The Office should therefore propose options on how to ensure concrete, timely follow-up to the SRM TWG recommendations on standard setting. She supported the draft decision.

- 717.** *A Government representative of the Russian Federation* supported the conclusions of the SRM TWG. It was important that member States should be informed regularly of progress in view of the fact that its meetings were closed. His Government's experience in implementing ratified fundamental Conventions could prove useful to a detailed analysis of standards relating to OSH, and it stood ready to share its knowledge in that regard. He supported the draft decision.
- 718.** *A Government representative of India* said that the standards should be reviewed with reference to the changing world of work and the challenges it posed. The SRM TWG required flexibility, regular evaluation, good faith negotiations and, where possible, consensual decision making; in the absence of consensus, divergent views must be given due importance. He agreed that all standards should be considered active until the Conference decided to abrogate, withdraw or replace them. The International Labour Standards Department (NORMES) should offer technical assistance to member States including sharing good practices to promote ratification of up-to-date Conventions. In relation to the consolidation of the chemicals instruments, the implications for member States in transferring from one or more ratified Conventions to a consolidated Convention should be examined. It was crucial to promptly address standards classified as requiring further action so that their ratification rates would not be adversely affected. He supported the draft decision.
- 719.** *The Chairperson of the Tripartite Working Group* thanked the Governing Body for the broad support shown for the report and the results of the work undertaken. The success of the third meeting was a testament to the constructive approach adopted by participants. He highlighted that, in addition to the present report of the third meeting, a revised version of the report of the second meeting of the SRM TWG, held in October 2016, had now been published online. The forward-looking and constructive spirit of the third meeting suggested that the SRM TWG was well placed to fulfil its mandate. It was particularly pleasing that consensus had been reached on the new classification system, which set up a framework for the SRM TWG's future work.
- 720.** *A representative of the Director-General* (Director, NORMES) said, in response to the question on the budget, that travel costs relating to the possible participation of representatives of international organizations had been estimated on the basis of eight representatives participating. The Office had used the standard methodology for preparing budget estimates. The estimate of travel costs was conservative, as it was not yet known which representatives of international organizations would attend. The actual travel costs were expected to be lower.
- 721.** *The Worker spokesperson* said that she was looking forward to continued constructive cooperation with the tripartite members of the SRM TWG and international experts. The group should consider in the near future the challenging question of how to ensure its recommendations were followed up in practice.

722. *The Employer spokesperson endorsed the summary of the chairperson of the SRM TWG.*

Decision

723. *The Governing Body took note of the report of the Officers of the Standards Review Mechanism Tripartite Working Group (SRM TWG) contained in document GB.331/LILS/2 and, in approving its recommendations:*

- (a) welcomed the steps taken by the SRM TWG to ensure the sustainability of its process, in the context of its impact on the broader institutional arrangements in the Organization, and would look forward to receiving recommendations from the SRM TWG at its next meeting on Office proposals on how to ensure follow-up to the SRM TWG was implemented as a matter of institutional priority, and how to ensure coherence and consistency in the standards policy framework in relation to OSH instruments;*
- (b) noted the work undertaken by the Office in follow-up to the recommendations of the SRM TWG at its second meeting in October 2016 and requested the Office to continue this follow-up as planned;*
- (c) noted that the SRM TWG had decided to adopt a three-classification system in relation to its work reviewing the standards and requested the Office to take the necessary follow-up in that regard, in particular as concerns the NORMLEX database;*
- (d) decided that the 19 instruments concerning OSH (general provisions and specific risks) reviewed by the SRM TWG should be considered to have the classifications it had recommended, and requested the Office to take the necessary follow-up action in that regard and in accordance with the time-bound elements of the recommendations;*
- (e) noted the SRM TWG's recommendation concerning the withdrawal of Recommendation No. 31, in relation to which it would consider placing an item on the agenda of the International Labour Conference at the earliest date possible (see GB.331/INS/2(Add.));*
- (f) requested the Office to prepare, for consideration for inclusion at the earliest dates possible in future agendas of the International Labour Conference, proposals for possible standard-setting items:*
 - (i) on biological hazards and ergonomics, recognizing the regulatory gaps identified in that regard;*
 - (ii) on the consolidation of the instruments concerning chemical hazards;*
 - (iii) on the revision of the instruments concerning guarding of machinery;**and requested to be kept up to date in that regard;*

- (g) *requested the Office to commence work on technical guidelines on biological hazards and chemical hazards, and to consider the regular review of the 2011 code of practice on safety and health in the use of machinery at a later date;*
- (h) *decided that the SRM TWG would examine the 11 instruments concerning OSH (specific branches of activity), labour inspection and labour administration, within sets of instruments 6, 11, 12 and 13 of the revised initial programme of work, in its fourth meeting; and*
- (i) *convened the fourth meeting of the SRM TWG from 17 to 21 September 2018.*

(GB.331/LILS/2, paragraph 5.)

- 724.** *The Governing Body decided that the cost of the two meetings of the SRM TWG to be held during the biennium 2018–19, estimated at US\$795,200, should be financed in the first instance from savings in Part I of the budget for 2018–19 or, failing that, through Part II, on the understanding that should that subsequently prove impossible, the Director-General would propose alternative methods of financing.*

(GB.331/LILS/2(Add.), paragraph 7.)

Third item on the agenda

Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the Constitution in 2019 (GB.331/LILS/3)

- 725.** *The Employer spokesperson said that the proposed General Survey for 2019 would entail only a partial consideration, as the options proposed to examine only some provisions of the instruments selected. For instance, why would only the impact of the Employment Policy Convention, 1964 (No. 122), be studied? Furthermore, the suggestions in paragraph 10 of the document related to instruments with a broader scope than employment alone. General Surveys were supposed to conduct exhaustive analyses of all provisions of a small number of selected instruments on a given topic. His group could not support either of the options proposed in the document, which were also quite similar. Each option included too many instruments, which could result in an overly superficial analysis, and could place an excessive burden on governments sending information which, moreover, could prove to be of little use.*
- 726.** *He therefore proposed a third option: the General Survey for 2019 should focus solely on the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), which were referenced in the first option and were linked to the strategic objective of employment. Persons with disabilities continued to be disadvantaged in accessing the labour market and were significantly more likely to be unemployed than their non-disabled counterparts. Moreover, those instruments, together with the promotion of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the UN Convention on the Rights of Persons with Disabilities, were a cornerstone of the ILO's Disability Inclusion Strategy and Action Plan 2014–17 and were*

also relevant to Sustainable Development Goal target 4.5. Although a General Survey on Convention No. 159 and its Recommendation had already been conducted in 1998, it would be useful for the Committee of Experts to assess progress since then.

- 727.** *The Worker spokesperson* said that her group agreed with the proposed focus on the promotion of full, productive and freely chosen employment, and the examination of that strategic objective from different perspectives. She noted that gender and other non-discrimination aspects were particularly important for the Workers' group. She said that the rapidly changing world of work meant that the priority for the next General Survey must be to consider the growth of non-standard forms of employment, which particularly affected women, young people and migrant workers, and which posed challenges to ensuring all workers' access to the protection of labour standards. The intersection between transnational digital work and non-standard forms of employment was a further aspect to consider.
- 728.** The Workers therefore supported the second option, which would tie in with other Office work on non-standard forms of employment as well as with the follow-up to the Global Commission on the Future of Work. Her group was in favour of the inclusion of Convention No. 122, as well as the Employment Relationship Recommendation, 2006 (No. 198), and the Home Work Convention, 1996 (No. 177), and Home Work Recommendation, 1996 (No. 184). The latter three instruments had never been the subject of a General Survey and the analysis would provide useful insight into their impact, including in light of the digitalization of the economy. Given the prevalence of female homeworkers and the decent work deficits they faced, inclusion of those instruments could contribute to the design of strategies to promote decent work for homeworkers. Her group also supported the inclusion of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). However, as the Private Employment Agencies Convention, 1997 (No. 181), had been included in the 2010 General Survey, it would not be necessary to include it again.
- 729.** *Speaking on behalf of IMEC*, a Government representative of the United States expressed appreciation for the Office's efforts to align the subject matter of the article 19 reporting with the recurrent item discussion cycle. Her group preferred the second option, on employment promotion through the regulation of the employment relationship. A General Survey on that topic could give a clear picture of the present diversity in employment relationships and the variety of possible regulatory and other approaches to promoting decent work in that context. It could also inform the work of the Standards Review Mechanism. IMEC looked forward to reviewing the article 19 questionnaire at the March 2018 session and requested the Office to ensure that it would be concise, with questions firmly rooted in the Conventions. IMEC supported the draft decision.
- 730.** *A Government representative of Cuba* said that her group did not object to either option, but would favour the second option. She supported the draft decision.
- 731.** *A Government representative of India* noted that long-term structural changes such as globalization and changes in technology were impacting the world of work, giving rise to diverse working arrangements, which it was necessary to understand and address. He said that, while there was considerable overlap between the two options, he supported the second option proposed, which was more focused. The General Survey should concentrate on workers vulnerable to decent work deficits and exclusion, such as young women and men and homeworkers. He hoped that the General Survey would help to identify potential gaps in international labour standards.
- 732.** *A representative of the Director-General* (Director, NORMES) said that it seemed that there was a clear preference for the second option among the views expressed.

- 733.** *The Employer spokesperson* said that insufficient views had been expressed for the Governing Body to adopt the second option. He reiterated his group's proposal that the General Survey should focus solely on Convention No. 159 and Recommendation No. 168, which had been the outcome of agreements among groups and would be in accordance with the responsibility to protect workers vulnerable to decent work deficits and exclusion. The Employers did not support the second option.
- 734.** *The Worker spokesperson* said that the majority was in favour of the second option. The challenges encountered by persons in situations of vulnerability could best be addressed by examining changes in the world of work and new and emerging decent work deficits.
- 735.** *The Employer spokesperson* said that his group remained concerned that the quantity of instruments proposed would mean that the General Survey would not be conducted in sufficient depth. As a compromise, some of the instruments proposed in the second option – at a minimum, the Private Employment Agencies Convention, 1997 (No. 181), and Private Employment Agencies Recommendation, 1997 (No. 188), which had already been examined in a previous General Survey – could be removed and Convention No. 159 and its Recommendation added.
- 736.** *The Worker spokesperson* agreed that Convention No. 181 could be removed and Convention No. 159 and its Recommendation could be added, as long as the other instruments were still included.

Decision

- 737.** *The Governing Body requested the Office to prepare, for consideration at its 332nd Session (March 2018), the article 19 report form on the following instruments:*
- *the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169);*
 - *the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168);*
 - *the Home Work Convention, 1996 (No. 177), and the Home Work Recommendation, 1996 (No. 184);*
 - *the Employment Relationship Recommendation, 2006 (No. 198); and*
 - *the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).*

(GB.331/LILS/3, paragraph 20, as amended.)

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

Update on the headquarters building renovation project ([GB.331/PFA/1](#))

- 738.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) informed the Governing Body that the options proposed by the external property agency for the vacant freehold property adjacent to the headquarters building – plot 4057 – had been narrowed down. The Office would present more detailed options to the Governing Body in March 2018, also following discussions with the Swiss authorities. The Office was also finalizing the sale of a smaller section of plot 3957, represented by a de facto public access way at the southern corner of the ILO land. The associated building rights would be transferred to ILO land, and the proceeds from the sale would be added to the Building and Accommodation Fund for the renovation project.
- 739.** *The Worker spokesperson*, welcoming the sound management of the renovation project to date, asked whether the Office had received any replies from member States to its requests for donations or whether it had had to raise the remaining funds for the completion of the renovation work. The hiring of a property consultancy regarding plot 4057 was welcomed, and the group looked forward to a further update on the project at the March session.
- 740.** *The Employer spokesperson*, noting the progress made and the resulting improvements, said that it was commendable that the total budget remained within the limits of the financial plan. His group looked forward to updates on options to generate revenue to offset the loan repayments, particularly on consultations with potential tenants interested in occupying refurbished space, and on the Office's follow-up to discussions on development opportunities for plot 4057.
- 741.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea expressed appreciation for the Office's extensive preparations for the Governing Body session. However, delays in the production of significant, sometimes lengthy, documents were regrettable, as constituents did not have adequate time to duly consider them. The Office and constituents should reflect upon the scope of the agendas for future sessions, and the Office should conduct a realistic assessment of the workload for the Governing Body.
- 742.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that the progress on the renovation project was commendable, including the incorporation of lessons learned from work completed and the creation of a source of revenue to pay off the loan used for the renovation. The Office should continue its close collaboration with all relevant stakeholders in the project and provide a further update in March 2018.
- 743.** *Speaking on behalf of IMEC*, a Government representative of the United States, applauding progress made to date and efforts to remain within the initial budget, said that her group was

not in a position to provide additional funds for the project. Seeking tenants to generate revenue to support building costs was welcome, as using member States' contributions to pay interest costs was prohibited in certain countries' domestic legislation. The continued increase in unfunded costs not in the original scope was of concern; a cost analysis comparing the total unfunded requirements to the projected revenue should be included in the update to the Governing Body in March 2018. That update should also cover voluntary contributions secured for the renovation of the lower floors of the building.

- 744.** *A Government representative of India* expressed appreciation for the progress on the building renovation plan, efforts regarding possible use of ILO land, and the perimeter security. He requested information on the amount of savings being generated in the budget and the reallocation thereof. The update at the next session should include a review of the specifications and financial requirements for perimeter security.
- 745.** *A Government representative of Côte d'Ivoire* said that he welcomed the fact that disturbances relating to the renovation had been kept to a minimum. It was also commendable that the budget remained on track and that savings generated by the value engineering would be reallocated to the provision for unforeseen costs. As to the Office documents before the Governing Body, they were of high quality and would facilitate decision-making.
- 746.** *The representative of the Director-General* said that the second audit, a draft of which had been received a few days previously, had confirmed that the renovation was on budget and on schedule, and had made no critical or significant recommendations. Responding to the question from the Government member of India, he said that savings generated were currently assigned to unforeseen costs, an approach which had been endorsed by the audit report. As to the question from the Worker spokesperson and IMEC on voluntary donations, the promotional brochures on donation packages would be finalized and sent to governments shortly, and discussions would be initiated. Regarding the possibility of securing tenants for the unoccupied space after the refurbishment, the Office was still cooperating closely with a United Nations agency interested in occupying almost all the available space, which had hired a consultant to conduct a needs assessment. Other organizations had also expressed interest, but it would be advantageous to have a single tenant. As to the budget and timeline, the project would definitely not exceed either. The Office would not use member States' contributions to pay interest rates; all interest payments would be met through the income received from the leasing of office space. The perimeter project was separate from the renovation project and hence did not increase the scope of the renovation. It had been included in the Office document because it was the most appropriate channel for bringing to the Governing Body's attention the need to undertake significant security work around the building. An update on discussions with the cantonal and federal authorities and on the potential funding would be provided in March 2018.
- 747.** *The Director-General*, responding to the comments by the representative of the Government group regarding the documentation before the Governing Body, apologized for the late production of documents at the current session and provided assurances that documents would be provided on time in the future. As for the weightiness of the agenda and of some of the documentation, that was not entirely in the hands of the Office, as the agenda was set by the Screening Group; nevertheless, the Office and the Screening Group would take heed of the comments made.

Outcome

- 748.** *The Governing Body noted the information contained in the report (document GB.331/PFA/1) and provided guidance to the Office.*
(GB.331/PFA/1.)

Second item on the agenda

Proposed 2018–19 budgets for extra-budgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) ([GB.331/PFA/2](#))

- 749.** *The Employer spokesperson* said that the issues affecting the Latin America and the Caribbean region were also partly the result of a lack of governance, poor and ineffective public policies, corruption and insufficient infrastructure. Given the historical problems referred to in the Office document, and also the various technological revolutions bringing about huge changes in the business world, the work of CINTERFOR was more important than ever. The lines of action planned by the Centre – in particular, synchronizing vocational training with productive development policies and technological developments, and strengthening the capacities of employers’ and workers’ organizations with regard to tripartism and social dialogue in vocational training – and the proposed programme of work were welcome, as was the detailed information on the income and expenditure. He supported the draft decision.
- 750.** *The Worker spokesperson* said that workers’ organizations at all levels must be actively involved in discussions to identify gaps in training systems and in the definition of policies for the creation of decent work. In the context of the Future of Work Initiative, CINTERFOR should look at the impact of technological change and innovation on education and training systems. As to tripartism and social dialogue, efforts should be made to strengthen the capacity of workers’ organizations to promote the inclusion, in collective agreements at the sectoral and enterprise levels, of provisions on vocational training, including a gender equality dimension. Vocational training should include workers’ rights, starting with freedom of association.
- 751.** CINTERFOR should promote the ratification and implementation of the Employment Policy Convention, 1964 (No. 122), the Paid Educational Leave Convention, 1974 (No. 140), the Human Resources Development Convention, 1975 (No. 142), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Human Resources Development Recommendation, 2004 (No. 195), and the fundamental Conventions. Concerning the financial schemes, countries should have a strong public and tripartite educational and vocational training system in place for all workers. The initiative to develop programmes for skills recognition and certification in migration management policies and the development of quality apprenticeship programmes and systems were welcome. An integrated approach to vocational training as lifelong learning should be adopted. In its vocational training strategies, CINTERFOR should focus on migrant workers, domestic workers, workers with disabilities and workers in the informal economy; for the latter group, guidance should be drawn from the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). Work to better synchronize vocational training with other active employment and labour market policies should be carried out in consultation with the social partners. CINTERFOR should collaborate with the International Training Centre of the ILO and its good practices should be disseminated in other regions.
- 752.** *Speaking on behalf of the Africa group*, a Government representative of Swaziland noted that CINTERFOR member institutions were at the forefront of regional efforts to collaborate in updating the knowledge management platform; the Africa group would look to learn from that experience. The proposed programme of work was welcome. The Africa group supported the draft decision.

Decision

753. *The Governing Body approved the income and expenditure estimates of the CINTERFOR extra-budgetary account for 2018–19, as set out in Appendix I to document GB.331/PFA/2.*

(GB.331/PFA/2, paragraph 30.)

Third item on the agenda

Programme and Budget for 2016–17: Regular budget account and Working Capital Fund (GB.331/PFA/3)

754. *A representative of the Director-General (Treasurer and Financial Comptroller) said that since 1 October 2017 contributions for 2017 and prior years amounting to some 12.8 million Swiss francs (CHF) had been received from eight member States, as detailed below:*

Member States	Contribution received for 2017	Contribution received for arrears	Total contributions received in Swiss francs
Bangladesh	60	–	60
Paraguay	128	–	128
United States	37 772	12 461 298	12 499 070
Panama	8 187	–	8 187
Burundi	3 788	7 396	11 184
Myanmar	1 600	–	1 600
Samoa	30	–	30
Israel	293 000	–	293 000
TOTAL	344 565	12 468 694	12 813 259

Including contributions received between 1 October and 30 October 2017, the total contributions received in 2017 amounted to CHF302,205,108. Of that amount, CHF260,560,977 represented contributions for 2017 and CHF41,644,131 represented contributions for arrears. The balance due as of 31 October 2017 was CHF168,242,414.

755. *The Worker spokesperson expressed gratitude to those Governments which had settled their 2017 contributions in full and welcomed the fact that those contributions had been higher than for the same period in 2016. The Workers' group supported the draft decision.*

756. *The Employer spokesperson said that his group noted with satisfaction that there had been an excess of income over expenditures for 21 months up to 30 September 2017 amounting to US\$61.5 million and an increase in assessed contributions for 2017 compared to the same period in 2016. However, it was concerning that the 2017 contributions of 47 Governments remained outstanding and 19 Governments had lost their voting rights because they were in arrears. It would be useful to be able to compare the level of the Working Capital Fund to levels for previous years. He asked whether the amount of CHF35 million as at 30 September 2017 was sufficient. The Employers' group supported the draft decision.*

- 757.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that it was vital that member States in arrears should expedite their payments to enable the Office to carry out its mandate and to prevent loss of member States' voting rights. The usual practice of subsequently providing the Chairperson with a detailed list of any necessary transfers between items was welcome. The Africa group supported the draft decision.
- 758.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that the Working Capital Fund had previously been a floating amount, which had reached higher levels. Following a review by the Governing Body and the International Labour Conference, the level had been fixed at CHF35 million since 1993. The amount could fluctuate during a biennium if there were short-term delays in collection of assessed contributions. Over the previous 25 years, there had been few occurrences when temporary shortfalls had exceeded the amount available in the Working Capital Fund. Cash available in other reserves had ensured sufficient liquidity. Consequently, the current level of CHF35 million was considered sufficient to maintain regular budget liquidity.

Decision

- 759.** *The Governing Body delegated its authority under article 16 of the Financial Regulations to the Chairperson who may approve any transfers within the 2016–17 expenditure budget that the Director-General may propose, if needed, prior to the closing of the biennial accounts and subject to the endorsement of such approval by the Governing Body at its next session.*

(GB.331/PFA/3, paragraph 11.)

Fourth item on the agenda

Knowledge Strategy 2018–21

([GB.331/PFA/4](#))

- 760.** *The Employer spokesperson* said that the tripartite constituents had a shared understanding of what the ILO required in order to deliver effectively on its mission. A key part of proper governance was to ensure that the Organization's knowledge activities were grounded in constituents' needs and priorities. The Employers welcomed the initiative to strengthen evidence-based research for informed policy-making. At global level, the themes and focus of research should be based on consultation with the Employers and Workers through their respective secretariats. Support provided by the ILO at national level should focus on agreed issues and reflect national priorities identified by the social partners. Such an approach was not incompatible with the need to preserve the independence of researchers. However, they were not constituents and could not be the drivers of the Organization's knowledge-based activities; rather, the Organization should generate opportunities for research and utilize the work of researchers in pursuit of agreed aims. Unfortunately, that was not current practice; research that was not grounded in constituents' priorities or failed to heed their input had resulted in dissatisfaction regarding the balance and relevance of some research publications and inconsistencies in knowledge products and data.
- 761.** The document highlighted the use of Decent Work Country Programmes (DWCPs) to identify knowledge gaps. While acknowledging the Programmes' capacity to collect country-level information, the Employers were hesitant as to their quality. A meta-analysis of 15 DWCP reviews in 2014 had shown that, because some constituents had been left out of the consultation loop, their priorities had not been reflected in Programme activities. In

such cases, the DWCP could not underpin effective knowledge strategies at the national or global level.

762. The document submitted to the Governing Body was not a knowledge strategy, but a broad description of how such a strategy might work. It would therefore be difficult to endorse the proposed way forward. It was unclear whether the proposed Strategy encompassed the gathering and management of data, as well as dissemination, including through the ILO website. It should harness information not for its own sake, but in support of effective action. The Employers were not asking the Office to stop gathering information on long-recognized challenges, but rather to gather such information only in order to address them more effectively.
763. Since many countries, including those in post-conflict or disaster situations, found it difficult to collect even the basic labour market information necessary for sound policy-making, particularly outside their major population centres, the Strategy should include a “keep it simple” option. In such cases, the Office should focus on constituents’ concerns and secure reliable, basic information on the core performance of labour markets, rather than rapidly evolving information gathering or introducing emerging topics.
764. The knowledge-dissemination activities proposed in the document would require diverting resources in order to tell constituents how to use the information that the Office produced and would be unnecessary if the constituents’ needs had been captured. The document also mentioned the use of workshops, a very traditional approach; the Office should be guided by or work with ACT/EMP and the IOE in promoting new information resources.
765. New information technologies went well beyond the communication tools mentioned in paragraph 40. He wondered what consideration had been given to how such technologies, and particularly those characterized as “big data”, could help the Office to better gather, harness and employ knowledge. It was also surprising that the document did not mention the upcoming International Conference of Labour Statisticians or the revision of the International Classification of Status in Employment (ICSE-93), which underpinned national labour force surveys and other employment-related data collection and was thus an important source of data on labour markets. The Office’s response to the questions that he had raised would determine whether the Employers’ group could endorse the Strategy as proposed.
766. *The Worker spokesperson* said that, while acknowledging the progress made between 2010 and 2015, her group considered it important to address existing challenges in order to guarantee the quality, relevance and accessibility of ILO research and analysis. If ILO research was to have a credible voice in dealing with other UN agencies and stakeholders, it must be of a high academic standard. The Office should expand the scope of its research, which often focused on a limited number of purely economic issues, to include legal and political ones. Key topics such as compliance, social dialogue and industrial relations, including the right to freedom of association and collective bargaining and the effectiveness of labour market institutions, were insufficiently addressed under the current research agenda. The commitment towards integrated research on the four decent work pillars was therefore welcomed. The objective to reach out to research institutes linked to workers’ organizations was welcomed.
767. With regard to the Green Initiative, the International Labour Conference at its 106th Session had called on the ILO to undertake research about the realization of fundamental principles and rights at work in the transition towards an environmentally sustainable economy. Her group expected action in that regard and encouraged efforts to improve the accessibility of research through the development of policy and technical briefs, visual representations and

the use of new technologies; materials could be produced for specific target groups, including the social partners.

- 768.** Enhancing the Knowledge Strategy also implied improving collaboration among the units involved in research, both at headquarters and in the field, including when preparing flagship reports, monitoring progress towards the Sustainable Development Goals (SDGs) and ensuring that data on them fed into Office-wide publications. The Office also had a key role to play to help constituents generate and analyse statistical data. With regard to SDG indicators, the Office had developed SDG notes on a number of thematic issues, and her group would welcome information as to future issues to be published and themes to be covered.
- 769.** Lastly, she welcomed the statement, in the 2016 UN Joint Inspection Unit (JIU) report on knowledge management in the United Nations system, that the ILO was “one of the pioneering organizations to have embraced the concept of knowledge management”. The Workers’ group supported the draft decision.
- 770.** *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire, while welcoming the progress made as a result of the previous strategy, said that there was a need to strengthen collaboration between headquarters and the field, improve statistics and ensure a more efficient and equitable sharing of acquired knowledge. The new Strategy would contribute to implementation of the resolution on Advancing Social Justice through Decent Work adopted by the International Labour Conference in 2016. By converting the three focus areas of that resolution into objectives, the new Strategy sought to address the needs of constituents through the various activities carried out by the ILO and to consolidate the ILO knowledge base by improving the quality of research activities, building the capacity of constituents and instituting a mechanism for sharing all the knowledge thus obtained. While those were all laudable aims, the success of the new Strategy in Africa would chiefly depend on the Organization’s capacity to identify relevant models that already existed there and disseminate them throughout the world, using an information-sharing mechanism that was accessible to all. That raised the issues of Africa’s capacity to access the new technologies mentioned in the Strategy and of the measures that the ILO should take to facilitate such access and, ultimately, to foster access to the improved knowledge base. Such a mechanism should obviously be underpinned by a capacity-building policy that would enable Africans to play a key role in improving the ILO knowledge base. Accordingly, clarification should be provided on the specific and appropriate approach that the ILO would develop vis-à-vis Africa. Nonetheless, the Africa group supported the draft decision.
- 771.** *Speaking on behalf of IMEC*, a Government representative of Turkey said that the ILO should continue to play its pioneering role in knowledge management, improve its capacity to keep pace with technological, demographic and environmental changes, as well as globalization, and prepare itself and its constituents for future challenges. IMEC supported the ILO’s Information and Knowledge Management Gateway. There was a great need for timely data on key aspects of country-specific information, and the Office should therefore continue to improve the quality of research conducted in the context of the Gateway.
- 772.** The Knowledge Strategy had linkages with all other strategies, plans, programmes and centenary initiatives, and it was also vital for the enhanced visibility of ILO activities. The linkages, interrelations and reciprocal impacts of the Knowledge and Information Technology Strategies should be highlighted in implementation reports. The success of the Enterprises Initiative was closely linked to the Knowledge Strategy, and reference should also be made to that Initiative in the Strategy.
- 773.** The work done by the ILO on producing and sharing information, data and evidence-based knowledge had enabled it to participate in multilateral platforms such as the G7 and G20. Its

high-quality analyses were crucial to policy recommendations and increased its influence in global policy debates. Pursuant to the Strategy, the Office should brief the Governing Body, in its progress reports, on the information and knowledge generated for such platforms.

- 774.** A clear and detailed knowledge strategy was crucial to the ILO's effectiveness as a knowledge-based organization. While the Office had clearly defined the objectives of the Strategy, the section on implementation should be further clarified and more information provided on how the ILO would change the way it managed and shared information. Although the Strategy did not contain key performance indicators, enabling outcome A in the Programme and Budget for 2018–19 could constitute a good basis for monitoring its implementation. National peer reviews to share experience and best practices should be used only on a voluntary basis. IMEC supported the draft decision.
- 775.** *A Government representative of Mexico* said that the ILO was the reference organization for knowledge on labour issues. Consequently, it was crucial for it to have a strategy that was tailored to current global circumstances and which adequately addressed the needs and priorities of constituents. The fundamental thrust of the new Strategy was to improve the skills of constituents to produce statistics and data and to promote the sharing of best practices pertaining to the four strategic objectives. Recalling that the JIU report recognized the ILO as a pioneer in knowledge management, he supported the efforts made by the Organization to maintain its exemplary position. The achievements of the 2010–15 strategy were noteworthy. However, in order to tackle the remaining challenges and to ensure the relevance of ILO research and analysis, the role of the constituents was crucial. Governments, together with the social partners, were best placed to define research content, needs and priorities.
- 776.** The efficient use of resources should be evaluated based on the impact of the information generated and its effective use by end users. In that context, emphasis was placed on the tripartite sharing of experiences and best practices, and on the participation of the ILO in forums such as the G20, to better understand the needs and priorities of the major economies. His country was committed to sharing information and best practices with the ILO that could enrich the knowledge base, and it would be ready to participate in defining study priorities and topics for global and regional meetings on information sharing. He supported the draft decision.
- 777.** *A Government representative of China* said that improving data collection, sharing knowledge and maintaining the ILO's leadership in the world of work would enable member States to learn from each other, foster decent work, meet sustainable development challenges and take advantage of future opportunities. The three objectives of the Strategy were laudable, and it was to be hoped that the Office would rely on them to strengthen cooperation with the relevant bodies and ensure that countries and regions were fully involved in the ongoing ILO work. Over the previous two years, China had hosted meetings of employment ministers from the G20 countries and from Brazil, Russian Federation, India, China and South Africa (BRICS), with contextual papers provided by the ILO. The Organization should continue to support member States in organizing such meetings in the future. He supported the draft decision.
- 778.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the point of departure for the Strategy had been the Social Justice Declaration, as updated by the resolution adopted by the International Labour Conference in 2016. The current Strategy paid close attention to the spirit of that resolution, namely that consideration must be given to the needs of ILO constituents. There was an adequate basis to do so through ACT/EMP, ACTRAV, the Governing Body, meetings, regional events and country offices of the ILO.

- 779.** To be a knowledge leader on labour issues, the ILO should adopt a forward-looking approach to research and focus on its normative agenda. It should also remain flexible and strike a balance between constituent-driven research and its own forward-looking research, in order to increase its global influence. To meet concerns related to technology and training, the ILO needed to build the statistical capacity of member States through national statistical offices. In that regard, the comments of the Africa group were duly noted. The Information and Technology Management Department (INFOTEC) was developing better platforms to disseminate the information generated in smarter and more global ways. Member States would also be briefed in regional meetings and at country level on research activities and findings. Peer reviews were indeed voluntary and were only one way of sharing good practice; other options would also be explored. Research independence was crucial to the ILO's credibility. The Office relied on a research review group of external labour experts to shape some of the research issues. Given the challenges in the future of work, it was important not only to be forward looking but also to have external experts critique ILO methodologies. The Office had taken careful note of the need to continue deepening its influence, in both economic and normative terms, in the world of research.
- 780.** *The Employer spokesperson* said that clarity was needed on the status of the document: was it a strategy or the description of a strategy? Could the Office present some forward-looking proposals, to which ACT/EMP could offer nimble and responsive input? While recognizing the strong endorsement of the draft decision that had been expressed during the discussion, the Employers would like to have some further dialogue on the subject.
- 781.** *The representative of the Director-General* said that the Office was in the process of developing both its research agenda for the following biennium and the ways in which it would connect with constituents at the regional and national levels. The document was therefore a three-pronged strategy, whose projects were still being formulated. Constituents could indeed be forward looking, but that did not mean that independent researchers would not be consulted. Those researchers had a role in developing specific research projects, and there were methodological approaches in research that were fundamental to the independence of the Organization.
- 782.** *The Employer spokesperson* welcomed the offer to have further dialogue with the various secretariats, representatives and groups, hailing it as a positive response to the concerns raised.

Decision

- 783.** *The Governing Body endorsed the Knowledge Strategy 2018–21 outlined in paragraphs 11–37 of document GB.331/PFA/4 and requested the Director-General to take into account its guidance in implementing the Strategy.*

(GB.331/PFA/4, paragraph 45.)

Fifth item on the agenda

Information Technology Strategy 2018–21 (GB.331/PFA/5)

- 784.** *The Employer spokesperson* said that the information technology (IT) infrastructure had to be upgraded to facilitate coordination between headquarters and the field. Access to network files remained a significant challenge and field staff not having access to Office mobile

devices posed a security risk. ILO databases, SharePoint sites and the search function of the website should be improved. Successful implementation of the Strategy required effective training for staff and users. He requested information on the basis for the calculation of the US\$9 million to be provided each biennium to the Information Technology Systems Fund, and on the financial management benefits of reactivating that Fund. The Employers' group supported the draft decision.

- 785.** *The Worker spokesperson* requested additional information on: the type of large-scale projects recommended through the Business Process Review (BPR); the current status of IRIS, the Office's future plans for it, the potential cost of updating it, and any work by the BPR to examine its effectiveness; the policy on recycling obsolete hardware; and the external parties with whom partnerships would be developed. Access to the ILO network on mobile devices was important; however, work-life balance should not be forgotten, and protection of data and privacy should be prioritized. News that the rollout of IRIS in Asia and Africa was nearing completion was welcome. When implementing the Strategy, the Office should consult with staff and provide any necessary training. In future documents, it would be preferable to use ILO terminology, such as "departments" rather than "business units". The Workers' group supported the draft decision.
- 786.** *Speaking on behalf of the Africa group*, a Government representative of Cameroon said that the Office should continue providing IT tools to ensure the smooth dissemination of information and instant access to data, which would facilitate and promote social dialogue. Staff working on such tools should receive continuous training. Good progress had been made under previous IT strategies, but work remained to be done to promote more widespread use of IT tools. The Africa group supported the draft decision.
- 787.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that it was important to maintain data security and agility in work and communications in a rapidly changing environment. More effective governance based on a clear understanding of the needs of constituents and the Office would lead to better management of resources, and the existing resources should be restructured. To guard against cyber-attacks, all cloud computing services should be fit for purpose and undergo an assessment to establish if they were aligned to the needs of the Organization prior to their use. Access to the ILO website, intranet and network should be improved to ensure adequate bandwidth and increased download capacity. The increased use and protection of additional country-specific content from sources such as NATLEX, IRIS, Labordoc and iTrack were welcome. The Office should continue the digitizing process for NORMES' online reporting, the online submission of complaints and representations, and the management of requests for assistance from tripartite constituents. His group had noted the estimated costs for the renewal of hardware and software and the criteria for determining the replacement cycle. It was vital that the Strategy took into account that all action taken must help the Organization to achieve the SDGs, the seven centenary initiatives, and specific national targets. His group supported the draft decision.
- 788.** *Speaking on behalf of IMEC*, a Government representative of Turkey said that the late publication of the document had given members limited time to study it. Furthermore, no full strategy was presented; instead the executive summary was followed by a section on the use of the Information Technology Systems Fund and then the Strategy outcomes. A more consistent approach to strategic documents was desirable. The three outcomes and related outputs were appropriate and a core part of the Strategy. However, indicator 1.1 appeared subjective and might not result in an accurate assessment of whether tools, systems and applications were fit for purpose. In respect of indicator 2.3, he requested further information on how the described risk of electronic document storage due to concerns with litigation and international law would be accommodated.

- 789.** The successful implementation of the Strategy would depend on the application of the lessons learned from previous strategies. Careful planning was required to ensure that the latest systems, devices and software produced the desired results, and efforts must be made to guard against the duplication of hardware, software and services. He asked whether the US\$47,882,137 allocated to IT management in the 2018–19 budget included the provision of US\$9 million per biennium to the Information Technology Systems Fund and, if not, where that funding would come from in the next biennium. When considering the future allocation to the Fund, the Office should inform the Governing Body of: the plans to reimburse some IT costs from extra-budgetary projects; a detailed business case and cost-benefit analysis of the outcomes of the Strategy; the envisaged spending on hardware, software and projects; the savings to be made by the implementation of the IT Strategy; a detailed assessment of the unfunded projects; and measures to reduce costs, including the provision of services from low-cost locations and partnerships within the United Nations family. Delaying or not undertaking recommended work as a cost-saving measure was not desirable. Some of the risks associated with the outcomes required immediate measures in order to eliminate or reduce them, in particular, issues surrounding disruptions in services, staff training, and ownership and loss of information. He requested the Office to submit regular progress reports to the Governing Body. IMEC supported the draft decision.
- 790.** *A representative of the Director-General* (Director, INFOTEC), responding to questions raised, said that the provision of US\$9 million to the Information Technology Systems Fund each biennium would be sufficient for the needs of the Strategy for the four-year strategy period. The cost of the initiatives had been individually calculated, and the Office could provide that breakdown. It was important to have a capital fund so that planning could be strategic and dictated by needs, rather than by the constraints of a two-year cycle. In addition, negotiating large-volume orders over an extended period yielded discounts and saved procurement time and costs, as well as administrative overhead.
- 791.** In addition to replacing redundant technology, it was essential to keep old technology running to ensure continuity, and the Strategy enabled both things to be done in parallel more effectively. The investment projects covered by the US\$9 million (per biennium) referenced in the Strategy related to, inter alia, electronic records management and replacing the ILO website and intranet. To support mobile working, the IT Strategy included implementing a “bring your own device” policy and mobile device management software to ensure protection of official ILO data on private mobile devices. To mitigate cyber threats, implementing network access control would also help ensure that any mobile device accessing the environment fully met ILO security standards and requirements.
- 792.** As a result of the BPR, 119 initiatives had been identified which depended on IT to automate and improve process efficiency. Those initiatives had been incorporated into the Strategy.
- 793.** In response to the status of IRIS, it was noted that the last major upgrade of IRIS had been completed in 2012. IRIS processes had also been evaluated as part of the BPR exercise. He advised that the implementation of IRIS in the regions would be completed by the end of the 2018–19 biennium.
- 794.** Regarding the recycling of hardware, computers no longer covered by warranty were typically replaced and donated. In support of a green ILO, the Office was ensuring that it had energy-efficient machines, introducing more cloud computing, implementing a paper-smart policy, improving the equipment that managed power in the data centre and supporting teleworking. Approximately 90 per cent of hardware components were recyclable, and the Department of Facilities Management oversaw the recycling process.
- 795.** For major IT initiatives, the Office ensured sufficient funding for change management, including training, support and communication were included in the total cost of ownership

and project budget. The IT costs of any major initiative were usually relatively low in comparison to its training and change-management costs.

- 796.** With regard to electronic storage of data, due diligence was exercised by the Office of the Legal Adviser, the Human Resources Development Department (HRD) and the IT security unit in order to ensure the encryption and security of all data stored in the cloud or offsite. Offsite storage of ILO data was only authorized in jurisdictions that respected UN privileges and immunities.
- 797.** *The Employer spokesperson* said that it might be necessary to review the rules governing the regular budget, as creating a specific fund for every cross-biennium strategy or activity could lead to a chaotic situation. He was of the view that the regular budget should cover such situations. With that caveat, he supported the adoption of the draft decision.

Decision

798. *The Governing Body:*

- (a) endorsed the Information Technology Strategy 2018–21, taking into account the views expressed during its discussion; and*
- (b) endorsed, in principle, the reactivation of the Information Technology Systems Fund, the biennial contribution to be determined in the context of future programme and budget discussions and the implementation of the IT Strategy to be adjusted according to the available level of funding.*

(GB.331/PFA/5, paragraph 76.)

Sixth item on the agenda

Other financial questions

Financial arrangements for the renovation of the premises of the ILO Country Office for Brazil

([GB.331/PFA/6/1](#))

- 799.** *The Worker spokesperson* said that she agreed that renovation of the existing ILO premises was the best option as it would solve technical issues, improve working conditions and render the building safe and secure. The Workers' group therefore supported the draft decision.
- 800.** *The Employer spokesperson* said that the existing premises of the ILO Country Office for Brazil no longer met elementary standards of functionality and regularly required expensive and disruptive repair. Of the four options, renovation – at a cost of US\$1.61 million – would make the premises functional, fully compliant with the United Nations Minimum Operating Security Standards and more cost-efficient, while safeguarding a building designed by a prestigious architect. The Employers' group therefore endorsed the draft decision.
- 801.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that, having noted that the costs of the proposed renovation could be covered under the regular budget, the Africa group supported the draft decision.

- 802.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom asked why the Office's staff could not be accommodated permanently in the United Nations House. If the renovation was absolutely necessary, it would be useful to know whether efforts had been made to find alternative sources of financing and whether the ILO had a governance structure for capital projects. The costing for the project did not include a contingency fund; IMEC could not support financing the proposed project or any associated cost overruns through an increase in assessed contributions. Noting that the renovation would require the use of 14 per cent of the Building and Accommodation Fund, she asked how the Fund was replenished, what its optimal balance was in light of the ongoing headquarters renovation project, and whether its use would have an impact on the budget for that project.
- 803.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the temporary space available at the United Nations House was in shipping containers and would not be satisfactory for a country office in the long term. In early 2017, the Office had established a governance arrangement for all field office renovations and developments, chaired by himself and with representation from the Department of Facilities Management, the Finance Department and the Office of the Legal Adviser, to provide general oversight and ensure local oversight of projects. In the case of the Brasilia Office, the inspections conducted and the advice received from experts showed that the building was in a very bad state; moreover, deferral of renovation would inevitably lead to increased costs.
- 804.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that the Building and Accommodation Fund was financed biennially from two sources: some US\$300,000 under Part I of the regular budget for unanticipated ongoing costs, and some US\$3 million for long-term renovations or refurbishing under Part IV of the regular budget. The Brasilia Office renovation, if approved, would have no impact on the headquarters renovation, for which the funding had been separately earmarked by the Governing Body and was not part of the unobligated portion of the Building and Accommodation Fund.
- 805.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that in light of the Office's responses, her group was in a position to accept the draft decision.

Decision

- 806.** *The Governing Body authorized the use of the Building and Accommodation Fund in order to cover the unfunded portion of the cost of the renovation of the premises of the ILO Country Office for Brazil, which was estimated at US\$1.15 million.*

(GB.331/PFA/6/1, paragraph 8.)

Audit and Oversight Segment

Seventh item on the agenda

Independent Oversight Advisory Committee: Revised terms of reference ([GB.331/PFA/7](#))

- 807.** *The Worker spokesperson* noted with satisfaction that informal consultations had been held during the preparation of the proposed revised terms of reference of the Independent Oversight Advisory Committee (IOAC), which were contained in the appendix to document GB.331/PFA/7. Her group agreed with the proposed revisions and supported the draft decision. In particular, it welcomed the additional text in paragraph 17 of the proposed text, which sought to strengthen the independence of the IOAC; the provision that Governing Body members and other member States must be informed of the search process, which should include when a vacancy was advertised; and the provision to continue to engage an external consultant to screen all applications despite the cost involved. More information should be provided on the types of claims, damages or losses that might arise as a result of the new immunity provision.
- 808.** *The Employer spokesperson* said that the proposed text strengthened the independence of IOAC members, further reduced the risk of conflicts of interest and streamlined the recruitment process. He noted with satisfaction that most of the comments made by his group during the informal consultations had been taken into account, including with respect to maintaining the provision to continue to engage an external consultant for the screening and shortlisting of potential committee members, despite the cost involved. His group supported the draft decision.
- 809.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania highlighted the important advisory role played by the IOAC and acknowledged the need to review the selection process prior to launching the 2018 process. It was important to draw on best practices in other UN organizations. His group hoped that signing an annual declaration of independence would continue to be a requirement for all IOAC members. It supported the draft decision.
- 810.** *Speaking on behalf of IMEC*, a Government representative of Finland thanked the Office for the well-managed informal consultations during the drafting phase and noted with satisfaction that most of her group's comments had been reflected in the proposed text. IMEC agreed with the proposal to continue to engage an external consultant for screening and shortlisting candidates, in order to ensure as reliable a process as possible. The IOAC's added value could be achieved only if its recommendations were implemented. She welcomed the addition of an indemnity clause in paragraph 39, but proposed the deletion of the first sentence of that paragraph, which was too detailed. Furthermore, recalling that the ethics function in the ILO required the same independence as the internal audit function, she proposed adding a provision after paragraph 3(g) to read: "the IOAC shall be consulted and may provide advice on the performance, appointment, and/or dismissal of the Ethics Officer".
- 811.** *A representative of the Director-General* (Treasurer and Financial Comptroller), after thanking those Governing Body members who had participated in the informal consultations, which had helped the Office to prepare a document that reflected their expectations, said that the deletion of the first sentence of paragraph 39 would be made. With regard to the proposal to add a provision after paragraph 3(g), he explained that, when

reviewing the terms of reference, the Office had, among other things, considered how the question of ethics was addressed in the terms of reference of other UN organizations. Consistent with other organizations, the IOAC's mandate already included compliance and probity, made specific reference to ethical conduct and provided for the attendance of the Ethics Officer at regular meetings of the IOAC. The proposed revised terms of reference reinforced the IOAC's role with respect to ethics, through further explicit references to the Ethics Officer. The IOAC had regular exchanges with the Ethics Officer and commented in its reports to the Governing Body on that matter. It also met regularly with the Director-General and provided him with advice on all aspects of its mandate, including ethics. The mandate of the equivalent bodies in other UN organizations, with only one exception, did not extend to involvement in the appointment, dismissal or performance appraisal of the Ethics Officer. At the ILO, the ethics function was assigned on a part-time basis to an existing official, who exercised his or her ethics function independently of other functions and reported directly to the Director-General. While the Office considered the IOAC's role with respect to ethical matters to be an important aspect of its mandate, in view of the above considerations it was unclear whether the proposal by IMEC would be practical or add value. However, as the IOAC was an organ of the Governing Body, the terms of reference should reflect the Governing Body's requirements.

- 812.** *The Chairperson* noted that the Governing Body wished to accept the proposal to delete the first sentence of paragraph 39 of the proposed revised terms of reference, and that it did not wish to accept the proposal to add a provision after paragraph 3(g).

Decision

- 813.** *The Governing Body approved the revised terms of reference for the Independent Oversight Advisory Committee set forth in the appendix to document GB.331/PFA/7 following the deletion of the first sentence of paragraph 39 of the terms of reference.*

(GB.331/PFA/7, paragraph 6, as amended.)

Eighth item on the agenda

Annual Evaluation Report 2016–17 ([GB.331/PFA/8](#))

- 814.** *The Employer spokesperson*, noting that the report was long and technical, suggested that the Office could present the information in a more reader-friendly way in the future, well in advance of the session, and consider holding informal consultations to explain the ideas contained therein. Emphasizing the value of evaluation in supporting the ILO's work in terms of strengthening accountability for results, he noted that, while there had been significant improvement with regard to results-based management performance, there continued to be concerns about weaknesses in monitoring and reporting systems. He acknowledged the Office's efforts to increase the engagement of constituents in evaluation processes, but noted that many constituents faced challenges in respect of capacity to implement evaluation recommendations and that more should be done to engage them from the project design stage. Management responses to evaluation provided a meaningful way to showcase managerial commitment to results-based management. In the case of evaluation recommendations that had been only partially addressed or in respect of which no action had been taken, the Office should continue to liaise with the relevant directors in order to monitor progress and analyse why action was not being taken. Noting with satisfaction that the

capacities of constituents and ILO staff to participate in evaluation processes had been rigorously developed through training activities, he said that it would be useful to track whether constituents were applying their acquired knowledge beyond their immediate engagement with the ILO.

815. Referring to recommendation 2, he said that the ideas contained therein seemed like a good practice in order to provide learning opportunities and better shape remaining interventions and activities of high-value projects. Noting the need to strike the right balance between monitoring and implementation, he asked whether such exercises would be independent or internal. Further efforts should be made to enhance the visibility and accessibility of the knowledge and information generated through projects, to facilitate cross-learning, enable new projects to build on good practices, and reduce duplication in future work. His group supported the draft decision.
816. *The Worker spokesperson* agreed that the report was difficult to digest but provided interesting information on the progress that the Evaluation Office (EVAL) had made in putting in place a robust and mature independent evaluation function. She encouraged EVAL to continue strengthening the capacity of workers' organizations to monitor and evaluate progress made in implementing the SDGs at the country level. Turning to outcome 1, in particular in relation to proposals to improve the effectiveness of the Evaluation Advisory Committee, she emphasized that if external Committee members would be included they should be familiar with the ILO's work, in particular international labour standards and the tripartite structure. The group supported the proposed topics for evaluation in 2018–20 and also the renewal of consultations with constituents, since the low level of specific feedback received in 2017 was the likely result of the exercise being carried out during the European summer vacation period. The group agreed that high-level evaluation should coincide with overall programme and budget cycles in order to ensure that resources were available for follow-up. It welcomed the substantial progress made in establishing an independent evaluation function for biennial milestone 1.3 and agreed on the need to establish an integrated evaluation planning system, improve the use of evaluation findings and enhance evaluation methods, to more fully reflect the ILO's normative mandate and tripartite structure. The group noted that the new draft evaluation policy contained in the appendix to the report built on the 2005 policy and the findings of the second independent evaluation of the ILO's evaluation function covering the period 2011–16, and endorsed recommendation 1.
817. Concerning outcome 2 in relation to biennial milestone 2.1, she noted that workers' organizations in particular were hard-pressed at the national level to follow up on evaluations. On biennial milestone 2.2, she welcomed the collaboration between EVAL and the International Training Centre of the ILO and supported the need for more cluster evaluations to improve strategic focus and quality and the changes made by EVAL to its quality appraisal tools. Turning to outcome 3, with respect to biennial milestone 3.1, she welcomed the proposed development of a diagnostic tool to enhance the evaluability of DWCPs in the context of the SDGs, adding that it should be complemented by appropriately targeted training for constituents. The group would be interested to know the respective numbers of worker, employer and government constituents among the 1,052 trained in evaluation over the 2010–17 period. Concerning biennial milestone 3.2, the group invited the Office to make its knowledge evaluation systems more user-friendly. She welcomed the improvements made in results-based management systems and tools and their inclusion in the Programme and Budget proposals for 2016–17 and 2018–19.
818. Turning to Part II of the document, she expressed concern that the incorporation of gender sensitivity in development cooperation project design had been only partly successful. In addressing that issue, the ILO should ensure greater involvement by constituents in project formulation and implementation. Concerning the ILO's performance, she noted that almost

one third of projects required improvement in ensuring that tripartite processes were embedded; that only 45 per cent of projects had included the recommended funds for financing an evaluability review after start-up; and that the number of reviews conducted was minimal and only one had led to follow-up. The group therefore supported recommendation 2, in particular the proposal to undertake evaluability reviews for high-value projects. The group supported the draft decision in paragraph 100.

- 819.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania said that regular evaluation was the best basis for good governance and ensuring transparency. Evaluation findings should be used more to guide the Organization's strategies and action plans. However, a special effort should be made to keep evaluation procedures affordable and shorter than those covered in the report. His group welcomed all the evaluation measures adopted in the 2016–17 biennium and was in favour of the draft decision.
- 820.** *Speaking on behalf of IMEC*, a Government representative of Finland noted with satisfaction the improved use of evaluation by management and constituents and the improved effectiveness of the Evaluation Advisory Committee. Her group looked forward to discussing the evaluation strategy in March 2018. She asked the Office how evaluations could be improved in order to inform specific elements of the ILO's Strategic Plan for 2018–21 with respect to the continuation, reinforcement or discontinuation of activities mentioned in paragraph 14. The new draft evaluation policy, which was welcome, should not only promote the use of evaluation findings and employ methods which captured the Organization's normative nature and tripartite structure, but it should also be brought into line with the 2030 Agenda for Sustainable Development and the revised United Nations Evaluation Group (UNEG) *Norms and Standards for Evaluation*. Indeed, the policy's success was contingent upon cooperation with UNEG and other external networks.
- 821.** When upgrading and expanding the use of decentralized evaluations for management, the Office should be responsive to donors' policies and their reporting and accountability requirements when they differed from its own harmonized practices, especially in the case of new partnerships. External evaluations might have the advantage of freeing up some resources for other evaluations. Nevertheless, quality control was vital in all evaluations, which must be conducted and finalized in a timely manner in order to contribute effectively to institutional learning.
- 822.** The focus on fostering a sense of community and an evaluation culture and on enhancing knowledge, skills and tools to expand evaluation capacity was commendable. As far as the assessment of the ILO's effectiveness and results was concerned, it was vital that the evaluation policy and the Office in general should address the shortcomings identified by the meta-studies in relation to gender, goal orientation, and monitoring and constituents' engagement. The group supported an evaluation of the Evaluation Policy in five years' time and noted that, as with the previous one, it should be an external evaluation. Her group supported recommendations 1 and 2, along with the draft decision with the expectation that the Office implements these together with pending recommendations from previous years.
- 823.** *A Government representative of India* complimented the Office on the effectiveness of its evaluation work in the biennium 2016–17 and agreed with the definition of evaluation set out in paragraph 8. He endorsed the new draft evaluation policy and was in favour of conducting evaluability reviews of high-value projects within one year of their start-up in order to ensure a robust monitoring and evaluation plan.
- 824.** *A representative of the Director-General* (Director, EVAL) explained that the report under consideration was indeed lengthy and contained a lot of technical detail because it covered the completion of the evaluation strategy for 2011–17, a fully independent evaluation of the evaluation function and its performance, and the preparation of a new evaluation policy,

which was built on inputs from constituents and staff and designed to meet international standards, including the updated *UNEG Norms and Standards for Evaluation*. The next step would be the development of an evaluation strategy for submission to the Governing Body for its approval in March 2018. That evaluation strategy could address some of the points raised by the Governing Body members.

- 825.** The purpose of an evaluation was indeed to produce findings which would influence policy decisions and be helpful to users. Progress had been made on the enabling environment for evaluation with a greater appreciation for its intellectual value but more Office-wide efforts were needed, including for EVAL, by focusing on improving the utility of evaluation results. To that end, a specific goal of the new policy was to devise methodologies which would involve constituents more closely. Furthermore, the Office had made a tremendous effort to better consider theories of change into the programme and budget as recommended in evaluations. Paragraph 14 on using evaluation results to reduce or upscale activities should in fact have referred to the programme and budget and not the strategic plan.
- 826.** The current evaluation policy was flexible enough to take into consideration the accountability and learning needs of donors and the ILO. EVAL was trying to synchronize evaluation with policy decisions through the Evaluation Advisory Committee. For example, every year it produced a review of all the lessons learned with regard to the topic to be considered under a given recurrent discussion. The capacity of constituents to engage in evaluation was important and 1,500 constituents had already been trained. Numbers would probably have to increase so that constituents could contribute better to the national review process that would be part of the reporting mechanism of the SDGs. Lastly, he confirmed that evaluations had shown it was necessary to improve the gender sensitivity of projects, including on how evaluation reports capture performance on that important matter.

Decision

- 827.** *The Governing Body took note of the report (document GB.331/PFA/8) and endorsed the recommendations in paragraphs 23 and 99 to be included in the ILO's rolling plan for the implementation of recommendations to be reported on in the annual evaluation report 2017–18. It also confirmed the priorities identified in the report for the 2018–20 programme of work for evaluations.*

(GB.331/PFA/8, paragraph 100.)

Ninth item on the agenda

High-level evaluations of strategies and Decent Work Country Programmes

(GB.331/PFA/9)

- 828.** *The Worker spokesperson*, noting the findings of the independent evaluation of the ILO's strategy and actions for creating and extending social protection floors (2012–17) set out in Part I, commended the ILO's highly relevant work in that regard. However, lack of funding remained a concern. Continued efforts to improve gender mainstreaming at country level would be needed. It also would be wise for the Office to pay particular attention to workers in the informal economy, domestic workers and workers in the digital economy. New ratifications of Convention No. 102 were welcomed. Her group endorsed recommendation 1, but considered it advisable to disseminate innovative practices to the social partners as a means of building their capacity. It supported the adoption of a more programmatic approach

to reducing transaction costs as advocated under recommendation 2 and considered that explicit theories of change related to ILO projects should highlight how the latter differed from the interventions of other United Nations agencies. Further reflections were needed on how to balance global and country work on social protection. The Workers welcomed recommendation 5 and specifically asked to have gender considerations mainstreamed into contextual analyses, targets and indicators. They also welcomed the Office's commitment to leading partnerships that upheld ILO values and principles of rights-based protection at a time when the International Monetary Fund was promoting strategies that ran counter to universal coverage. Her group therefore welcomed the launch of the Social Protection, Freedom and Justice for Workers Network on 24 October 2017.

- 829.** Turning to the findings of the independent evaluation of the ILO's field operations and structure (2010–16), set out in Part II, her group appreciated the participatory approach to the evaluation, seeking the views of constituents. Her group would like the proposed design of a framework of engagement for clusters of countries in recommendation 1 to be a tripartite process. Although it was true that gender equality and non-discrimination deserved more attention, other cross-cutting policy drivers also needed to be addressed. As far as recommendation 2 was concerned, information on how reform within the United Nations might have an impact on ILO field services would be appreciated. With regard to recommendation 3, in addition to better services for constituents in non-resident countries, further ways of supporting offices that were serving a large number of countries should be explored. Her group supported recommendation 4, but in respect of recommendation 5, considered that national staff should be given wider access to training opportunities as they were facing increasing demands from constituents. The group agreed with recommendation 6 on communication. Generally speaking, the reform of field operational structures should be more transparent and more information should be shared both internally and with constituents.
- 830.** Moving on to the findings of the independent evaluation of the ILO's DWCPs, strategies and actions in the Mekong subregion (2012–17), set out in Part III, her group welcomed the fact that monitoring and evaluation would be strengthened and that the functioning of DWCP tripartite steering groups would be supported in response to recommendation 1. Building the capacity of workers' organizations in results-based management would be helpful when addressing recommendation 2. As for recommendation 6, although the Office had stated that collaboration among decent work specialists was already well established, her group had information that suggested that there was little coordination or exchange between staff working on several projects within the same sector. Therefore, it would seem that, as called for by the evaluation, there was still room for improvement in that area. With regard to recommendation 7, the Workers invited the Office to strengthen accountability in relation to gender, persons with disabilities and indigenous communities. In line with the Bali Declaration, the Workers urged the Office to use DWCPs to promote ratification and implementation of Conventions Nos 87 and 98, as trade union rights were severely undermined in the subregion. The Workers' group supported the draft decision.
- 831.** *The Employer spokesperson*, with reference to Part I, underscored the importance of social protection floors for achieving the ILO's global strategy, both through assistance at the country level and through the ILO's contribution to global policy discussions. He commended the Office on the judicious use of its relatively limited resources for capacity building. His group supported the idea of improving the Global Flagship Programme on Building Social Protection Floors for All by facilitating access to expert services. Although a number of the areas of concern outlined in paragraph 10 should be addressed, when allocating the ILO's limited resources, priority should be given to field services. At the same time, since the absence of comprehensive capacity-building strategies seemed to be the greatest threat to progress, it was essential to improve knowledge and analysis, and his group completely endorsed recommendations 1, 2 and 7. Recommendation 1 should be aligned

with indicator 3.3 of the Programme and Budget for 2018–19. Employers' organizations must participate in the determination of needs in the field and in certain regions. With regard to recommendation 6, he wished to know what areas of innovation had given rise to concern and what risks should be assessed.

- 832.** Turning to Part II, on the evaluation of the ILO's Field Operations and Structure, he said that while the Employers appreciated the fact that over two-thirds of the initiatives in the 2014 Field Operations and Structure and Technical Cooperation Review Implementation Plan had been completed, they noted that the work in respect of field operations and structure was not always fully aligned with current and future needs and that the situation in non-resident countries was especially problematic. Decision-making processes in the management of field activities required greater decentralization and more effective human resources management. He noted that, as a result of slow recruitment processes, increasing mandates and a lack of representation in many countries, the ILO could not guarantee the sustainability of its activities or whether its desired outcomes would be met. Greater flexibility in the management of financial and human resources would ensure that decisions were made more effectively. The ILO had an important role to play in supporting regional activities, particularly when decentralization had been successful, and he welcomed the experience of the Maghreb region in that regard. However, not all regions had that same positive experience.
- 833.** The evaluation had revealed that the extent to which programme and budget proposals were based on an assessment of needs was not clear, as budgets only marginally changed from one biennium to the next. Thus, a more detailed needs analysis was required, and constituents should be able to discuss their needs through consultations. ACT/EMP carried out a needs analysis of employers' organizations in each biennium, which had proven to be a useful approach. The provision of technical assistance should be aligned to demand rather than supply; however, that was still not the case. Therefore, he expressed support for recommendation 1 on carrying out a systematic field operations demand inventory. That initiative should involve all constituents, where possible, as well as ACTRAV and ACT/EMP. Recommendation 2, on strengthening decentralization efforts, would reduce the burden of administrative procedures related to resources management and increase agility.
- 834.** With regard to evaluation of DWCPs in the Mekong subregion in part III, he emphasized that the focus of the evaluation had been on the better integration of programmes on entrepreneurship and enterprise development into DWCPs.
- 835.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania welcomed the strategies and plans to implement the Social Protection Floors Recommendation, 2012 (No. 202), and hoped that projects in Africa which sought to improve access to social justice would be extended to other countries with a view to promoting greater formalization of the labour sector, in order to ensure that all workers benefited from social protection. Regional efforts to implement Recommendation No. 202 should also be encouraged. While the growing number of DWCPs was welcome, more regular programme evaluations would be advisable. His group, in appreciating the quality of the high-level evaluation of strategies and programmes, supported the draft decision.
- 836.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh said that, as social protection played a key role in the social, economic and political development of countries, it was important to enhance constituents' capacities, harmonize the Office's work with national needs and priorities, replicate good practices, and develop effective global partnerships. Its work henceforth should give particular consideration to the requests for support made by member States with limited resource mobilization capacity. The social protection agenda should be implemented in a coherent manner by headquarters, regional offices and field offices, and should encompass informal workers, especially those in

developing countries. The Office should focus on developing long-term sustainable approaches to social protection. ASPAG therefore looked forward to the implementation of the Global Flagship Programme on Building Social Protection Floors for All at the country level.

837. ILO country offices should participate more efficiently and more responsively in United Nations Development Assistance Frameworks (UNDAFs) in order to secure progress in realizing the Decent Work Agenda. The ILO's field operations and structure should be fully aligned with national needs and priorities and facilitate the development of technical expertise. Ensuring that field staff had the right competencies would secure a more efficient response. For that reason, national staff should have better access to training, mentoring, research and networking opportunities.
838. Notwithstanding the progress made in the Mekong subregion in the implementation of DWCPs, the reduction in financial and human resources for the ILO's gender-related activities was a matter of concern. His group therefore supported recommendation 7 and encouraged the Office to develop robust accountability systems to guarantee that those outcomes were met. ASPAG supported the draft decision.
839. *A Government representative of Japan* expressed support for the draft decision. Regarding the ILO's field operations and structure, decentralization would enhance the agility of decision-making at the field level. Administrative staff from headquarters should move to the field to ensure that headquarters management methods were used there. The ILO should further strengthen its field presence. It was to be hoped that evaluation would lead to more efficient and effective field activities. His Government would continue to contribute to development cooperation with a focus on continuing to realize the Decent Work Agenda in the Mekong subregion. He welcomed the emphasis on ensuring that projects had long-lasting impacts and encouraged the Office to implement development cooperation more effectively, based on the evaluation.
840. *A Government representative of Thailand* expressed appreciation for the support and expertise which the ILO had provided through its national and regional offices, programmes and projects, and which were instrumental to progress in developing labour legislation and policies and strengthening institutional capacities in his country. He looked forward to continued support in that regard and endorsed the draft decision.
841. *A Government representative of India*, commenting on Part I, said that social protection activities should be determined in each country on the basis of national capacity and socio-economic conditions. He supported recommendations 1 and 7 and welcomed the proposal to provide tailor-made capacity development programmes for social partners under recommendation 1.
842. Turning to Part II of the report on the evaluation of the ILO's Field Operations and Structure, he supported recommendation 1 on a systematic demand inventory and development of a portfolio of ILO services and recommendation 6 on improving communication functions for policy influencing. As member States were at different stages of development, country-led initiatives, with technical input from the ILO, would be more effective in promoting employment-focused policies within DWCPs. He supported the draft decision.
843. *A Government representative of Bangladesh* said that despite efforts to create and extend social protection floors, only one quarter of the global population had access to comprehensive social protection systems and that figure was likely to be lower in developing countries. He agreed with the focus on academic and professional development, with the tailored approaches provided by the Global Flagship Programme on Building Social Protection Floors for All and the ILO's rights-based social protection approach. However,

the provision of social protection floors required not only a willingness to do so, but also the capacity to mobilize significant resources to that end. Large numbers of informal and self-employed workers, natural disasters and changing climates in developing countries were further challenges. As his Government was prioritizing the social protection of the most vulnerable members of society, efforts to build global partnerships for the development and implementation of low-cost social protection schemes in developing countries and to replicate good social protection practices were welcome. He supported the draft decision.

- 844.** *A Government representative of China* considered it necessary to carry out these independent, comprehensive and objective evaluations. Extending social protection coverage was crucial to the implementation of the Social Protection Floors Recommendation, 2012 (No. 202), and would contribute to achieving the 2030 Agenda for Sustainable Development. The Government of China continued to adhere to the principle of full social protection coverage, and was willing to share its experience with the ILO and other member States. He commended efforts to increase the Office's efficiency and the quality of its field operations and structure and hoped that personnel reforms would be another step in the right direction.
- 845.** Under the DWCPs in the Mekong subregion, the initial successes achieved by close collaboration between ILO staff and the tripartite constituent groups provided a good foundation for building on the Decent Work Agenda in those countries. His Government had contributed US\$1 million to South–South cooperation. He encouraged the Office to provide guidance to member States in the Mekong subregion on how to enhance, monitor and evaluate progress under the DWCPs to encourage the member countries to conduct social dialogue and to consolidate and expand the outcomes of DWCPs. He supported the draft decision.
- 846.** *A representative of the Director-General* (Officer-in-Charge, Field Operations and Partnerships) stressed that, as a result of decentralization, real increases in the resources allocated to the regions had amounted to 11 per cent for the period covered (2010–16). During the 2016–17 biennium, some administrative positions had been converted into technical posts and 17 new technical posts had been created in the regions. Approximately 75 per cent of development cooperation projects were being managed in the field. Historical and political factors, as well as different needs accounted for the disparity among field structures, where a needs-based approach was therefore essential.
- 847.** One proposal under the BPR was to speed up recruitment for development cooperation projects, to ensure that personnel could be deployed quickly to meet identified needs in the field. The evaluation had shown that activities were less effective in non-resident countries. Subregional technical teams had been deployed to try to respond to that situation and ensure greater mobility and faster response times. Enhanced communications methods and a more proactive role of UN Resident Coordinators would improve the situation. Based on the report to be submitted by the UN Secretary-General at the end of 2017, information would be provided in March 2018 on the impact of ongoing United Nations reforms on the ILO's work at the national and regional levels.
- 848.** *A representative of the Director-General* (Deputy Director-General for Policy) noted members' comments about the need for greater focus on capacity building, the informal economy, the gender dimension and social protection, as well as the need to pay careful attention to the judicious use of scarce resources, as well as the comments about the need for the Office to respond to constituents' requests. The Office would continue to do its best in that direction; its service delivery model was designed to respond to a variety of needs at country level. It also understood the need to advocate strongly – both in national and global forums – for social protection floors as an economic and social necessity in view of some of the counter arguments put forward and counter measures taken. It would continue to evaluate

ILO public-private partnerships to see if they could be extended in conjunction with its Partnerships and Field Support Department (PARDEV), ACT/EMP, ACTRAV, and the Office of the Legal Adviser. The ILO welcomed the sharing of good practices, including through South-South cooperation and other channels.

- 849.** *A representative of the Director-General* (Assistant Director-General and Regional Director for Asia and the Pacific) welcomed the positive feedback and comments from members, in particular those from Thailand, one of the countries subjected to evaluation, and those from China and Japan, which provided valuable support and technical assistance to the countries subjected to evaluation. The situation in the countries of the Mekong subregion was complex, but the evaluation had shown that they were making every effort to achieve a good balance of the elements listed in paragraph 97, by using ILO technical assistance and policy support and by determining areas on which to focus through comprehensive social dialogue. All the recommendations had been accepted and further improvements would be made to the assistance and collaboration provided in the region, particularly in terms of results-based management, long-term impact and coherence. Indeed, improving coherence would be the main focus in the coming biennium. Due note had been taken of the concern regarding collaboration and coherence among specialists. Some internal mechanisms to cut across departmental silos and increase collaboration between specialists and constituents had already been instituted, and that work would continue.

Decision

- 850.** *The Governing Body requested the Director-General to take into consideration the recommendations in paragraphs 17–23, 52–57 and 109–116 of the three high-level independent evaluations presented in document GB.331/PFA/9 and to ensure their appropriate implementation.*

(GB.331/PFA/9, paragraph 127.)

Tenth item on the agenda

Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU ([GB.331/PFA/10](#))

- 851.** *The Employer spokesperson* commended the ILO on giving effect to most of the recommendations contained in the six JIU reports covered in the document and on its commitment to implementing the relevant recommendations in a cost-effective manner within the available resources.
- 852.** *The Worker spokesperson* supported the Office's position on the recommendations related to public information and communications policies and practices and shared ILO concerns that a number of recommendations regarding the organizational ombudsman services might compromise their independence and effectiveness. For that reason, care would have to be exercised when considering their implementation. Her group concurred with the UN System Chief Executives Board for Coordination (CEB) members' comment that the JIU should view the subject of fraud prevention, detection and response holistically, given the resource implications of its recommendations at a time when the ILO budget was not increasing. The CEB members' endorsement of the five recommendations on strengthening national capacities for statistical analysis and data collection to support the achievement of the Millennium Development Goals and other internationally agreed development goals was

welcome. The Workers also agreed that statistics played a critical role in informed policy decisions. They took note of recommendation 4 on the UNDAF evaluation designated for ILO action as well as of the CEB members' comments thereon concerning governments' tendency to prefer their own national review processes, specific donor requirements or the need for agencies to engage in evaluations as part of a programme-led process. It was true that agency-specific evaluations remained important for internal accountability and organizational learning needs. When it came to UNDAF evaluations of ILO contributions, it was necessary to remember that standards and tripartism were rarely part of UNDAF work; the added value that the ILO brought to the UN system should not be overlooked.

- 853.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania said that since most recommendations appeared to be relevant and to coincide with current practices, they should be implemented in order to enhance governance and transparency. The policy on succession planning was particularly important; a strategy which would give priority to under-represented countries in succession planning was necessary. In that regard, it noted the proposed point for discussion in paragraph 23.
- 854.** *Speaking on behalf of IMEC*, a Government representative of Canada expressed great appreciation for the JIU's contribution to efficiency, accountability and transparency within the UN and for creating system-wide coherence. IMEC was looking forward to a number of JIU reviews over 2017 that would be of relevance to the ILO, including on United Nations–private sector partnership arrangements, conflict of interest policies and mechanisms, and donor reporting requirements. It was also pleased to note the generally positive conclusions on the work of the ILO in recent JIU reviews. The document under consideration and the accompanying documents were evidence of the ILO's constructive approach to the recommendations of previous reports.
- 855.** With regard to recommendation 13 in JIU/REP/2016/4, IMEC noted that the ILO had not responded to a call for the fraud investigation function to have adequate capacity to investigate. Recalling elements of the Chief Internal Auditor's statement at the Governing Body session in March 2017, his group asked the ILO to provide the investigation function with sufficient financing. With regard to recommendation 16 of the same report, IMEC agreed with the ILO's advice not to make fraud reporting a standing item on the agenda of the Governing Body, because the annual report of the Chief Internal Auditor to the March Governing Body was sufficient. The fraud information and statistics referred to in recommendations 15 and 16 should, however, be included in that annual report.
- 856.** With a view to collaboration between UN agencies at the field level and an efficient use of resources, his group welcomed JIU recommendations 2 and 3 in JIU/REP/2015/6 on enabling field staff to have access to in-person consultations with the ombudsman of other UN organizations, on including questions related to the ombudsman service in staff surveys and on using the responses to promote and increase awareness of the ombudsman service. The ILO should take a constructive approach to those recommendations. IMEC took note of the ILO's acceptance of recommendation 5 on ombudsman reporting to the legislative bodies of the UN and expressed support for its implementation through the discussion of the Mediator's report in the Joint Negotiating Committee, as that forum was sufficient. It was also very pleased that the ILO fully supported the recommendations on the contribution of the UN development system to strengthening national statistical capacities and pressed the ILO to engage proactively in the follow-up to the Quadrennial Comprehensive Policy Review. The ILO should participate in these efforts through existing networks alongside other relevant international and UN agencies. IMEC also fully supported the ILO's endeavours to push for joint UNDAF evaluations at country level.
- 857.** *A Government representative of India* referred to several reviews included in reference document GB.331/PFA/10/REF/2. Concerning recommendation 3 in JIU/REP/2012/10, he

agreed that the Staff Regulations should be revised to protect staff representatives against discriminatory or prejudicial treatment based on their status or activities as staff representatives both during and after the end of their term of office. With regard to recommendation 6 in JIU/REP/2012/9, he asked the Office to provide details of any cost-benefit analysis underpinning its decision not to accept the recommendation relating to lump-sum payments to cover travel-related expenses. With reference to recommendation 1 in JIU/REP/2012/4 on the 15 recruitment benchmarks, particularly those aimed at securing equitable geographical representation and diversity in the human resources of UN organizations, he pointed out that India represented almost a sixth of the global workforce and had always stressed the need to ensure geographical balance at the ILO. The reiteration of the commitment to ensure greater geographical diversity in the 2018–21 human resources strategy was therefore welcome, although it should also include gender balance. He requested an update on implementation progress in respect of the need to revise the formula for calculating the desirable range of posts and on progress towards the objective of geographical diversity. He wished to know if there was a mechanism to follow-up on recommendations still pending after three years.

858. *A representative of the Director-General* (Director, Strategic Programming and Management Department (PROGRAM)) said that more information on succession planning and staff recruitment and on the Office's implementation of the recommendation thereon would be supplied during the debate on the human resources strategy 2018–21. Mobility was one of the key elements of the Office's human resources policy. As for the mechanism to follow up on recommendations, he noted that, as requested by the Governing Body, the Office's reports focused on recommendations commented on by the CEB. Regarding recommendations pending beyond three years, the Office continually monitored the status of their acceptance and implementation. Lastly, he took note of the comments made by IMEC in respect of field staff's access to the ombudsman. Discussions and consultations would continue on ways of securing such access in the interest of the Organization and of staff.

859. *A representative of the Director-General* (Treasurer and Financial Comptroller), responding to IMEC, said that the capacity to investigate was monitored very closely by the Office and the Independent Oversight Advisory Committee. The latter considered the workload and resource situation of the Internal Audit Office, which includes the investigation function, at each of its meetings. In his Programme and Budget proposals for 2018–19, the Director-General had proposed a further allocation of US\$300,000 to that Office for investigation purposes, which the Governing Body had supported. If the Chief Internal Auditor had difficulty in coping with an increased workload within existing resources in the course of a biennium, available resources were redeployed to allow the Office to discharge its investigation function. He noted the comments made by IMEC and said that the Internal Auditor would continue to report on fraud investigations on an annual basis.

Outcome

860. *The Governing Body noted the information contained in the report (GB.331/PFA/10) and provided guidance to the Office.*

(GB.331/PFA/10.)

Eleventh item on the agenda

Other audit and oversight questions

861. There was no document under this agenda item.

Personnel Segment

Twelfth item on the agenda

Statement by the staff representative

862. The statement by the staff representative is reproduced in the appendix.

Thirteenth item on the agenda

Human Resources Strategy 2018–21

Agility, engagement and efficiency ([GB.331/PFA/13](#))

863. *The Worker spokesperson* expressed support for the three expected changes in organizational management outlined in the paper and welcomed the efforts of the Office and Staff Union to enhance human resource policies. A new employment contract framework was key to the Office's employment and career development. To achieve the highest standards of efficiency, competence, independence and integrity, conditions of service must be attractive, permanent contracts should be granted to a certain number of staff and decent conditions should be offered to staff on short-term contracts. A progressive contractual policy for project-based staff would boost efficiency and competence in the delivery of ILO development cooperation programmes.
864. The commitment to speed up the recruitment of development cooperation staff and efforts to improve gender equality in professional and senior positions were welcome. Cooperation with the ILO International Training Centre in Turin on staff development, training and capacity building was fully supported, as was continued ILO engagement with the International Civil Service Commission (ICSC) to ensure that ILO specific needs and values related to social dialogue and labour relations were taken into account. The Workers supported the draft decision.
865. *The Employer spokesperson* said that it was difficult to respond to the document, because the absence of concrete information on how the Office would proceed made it hard to understand how the expected outcomes would be achieved. It was impossible to assess whether or how well the ILO's human resources plans had been followed in recent years, given that the previous strategy had been developed and approved under the aegis of the previous Director-General, and thus superseded by the reform programme implemented by the current Director-General.
866. Turning to the three expected changes in organizational management, he asked for detailed information on how the new employment contract framework would address the ILO's most

critical human resources challenges. It was unclear how measuring the number of staff who changed position or duty station would provide a measure of the Organization's agility in responding to a challenging and volatile external environment, or how tracking the percentage of performance reviews completed – a routine process – would gauge progress in strengthening internal governance and accountability.

- 867.** While it was indeed important to have an engaged workforce, there was a disconnect between the generally stated objectives and how the ILO planned to measure progress in that regard. Again it was unclear how measuring the recruitment time for staff funded by donors would provide insight into the improvement of competencies and commitment. However, measuring the improvement in representation of less-than-adequately represented nationalities, and in gender equality in senior positions would provide valuable insight on those important objectives.
- 868.** Digitalizing paper processes might improve human resources services, but a more effective method might be to adopt a more service-oriented approach that paid particular attention to enabling easy transition of new officials into their jobs, facilitating greater mobility, enabling more career development opportunities and enhancing the motivation of employees at all stages of their career. The Employers supported the draft decision.
- 869.** *Speaking on behalf of ASPAG*, a Government representative of Japan expressed appreciation to the Office for the comprehensive proposal on the human resources strategy, a crucial element for the ILO to attain its goals. He urged the Office to tackle the under-representation of ASPAG countries and to report periodically on progress made. The Office should review indicator 2.1.2, as a target of raising the recruitment of staff from less-than-adequately represented nationalities by 25 per cent by 2021 might lack validity, since the target would be easily attained, given low recruitment in 2017 compared to a significant increase forecast by 2021. Gender diversity was a vital consideration in recruitment; the ILO's Women at Work Centenary Initiative would offer an opportunity for it to lead the way by demonstrating its commitment in that area. Since the linguistic requirement in the Staff Regulations played a key role in recruiting talented candidates from various countries, the group requested the Office to explain how that requirement was being implemented in practice. Hiring staff with extensive knowledge and experience of employment, labour and world-of-work issues as well as with linguistic skills would help the ILO to attain its goals. Finally, the Office's attitude towards information disclosure on human resource management was less satisfactory than that of other international organizations; for example, the latest Staff Regulations were not publicly available. Given that understanding current regulations was essential for productive discussions on the human resources strategy, ASPAG encouraged the Office to deal with the issue immediately.
- 870.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia thanked the Office for the report, which meticulously outlined the human resources strategy that was aligned with the ILO's Strategic Plan for 2018–21. However, he said that the document provided insufficient information on the outcomes and lessons learned from implementing a range of new tools, processes and procedures to strengthen the efficiency and effectiveness of human resource services. More concrete information would be appreciated on the achievements and lessons learned from implementing the previous human resources strategy within the framework of the BPR initiated in 2016, which should inform the new human resources strategy. While the efforts of the Office to ensure greater diversity among its staff were appreciated, the target of increasing the number of less-than-adequately represented nationalities by 25 per cent by 2021 was found to be very low, and it was not clear whether it covered both regular budget and development cooperation project positions. Geographical representation criteria should also apply to higher posts and not be limited to staff in lower positions. With regard to risk assessment, his group wished to know precisely how the key risk factors of lack of financial resources and capacity to meet major human resource IT

development needs could be mitigated. In order to create synergies among various strategies, ensure coherence and maximize their impact, the human resources strategy should be implemented not in isolation from other strategic initiatives such as the Knowledge and Information Technology Strategies but in harmony with them so as to maximize impact. The Africa group did not support the draft decision and proposed an amended text, which would read: “The Governing Body takes note of the Human Resources Strategy 2018–21 and requests the Director-General to revise the document, taking into account the discussions, and present [it] for consideration at the 332nd [Session of the] Governing Body in March 2018.”

- 871.** *Speaking on behalf of IMEC*, a Government representative of Canada said that the Human Resources Strategy 2018–21 was vital to efforts to engage with and motivate staff and to ensure a healthy work–life balance, in order to for them to deliver the results that constituents expected. However, further consideration should be given to talent management programmes, teleworking and flexible work arrangements. IMEC agreed with the choice of indicators and the intended focus of the Strategy. The group strongly supported an active ILO mobility policy; however, indicator 1.1 should be broken down into two separate indicators on functional and geographical mobility, as otherwise the target could be met solely by changes in positions at headquarters. Reducing recruitment times was important, as experience from the past had shown that delays in recruitment of key staff sometimes had significantly affected the ability of ILO development projects to deliver expected results, and indicator 2.1.1 came with an ambitious but achievable target; in addition, it should reflect the need for a competence-based and transparent recruitment process. Indicator 2.1.3 on gender equality in professional and senior positions was welcome. She requested an update on the situation regarding gender balance, particularly in P5 and D positions. She noted that the ILO should demonstrate a leading role when it came to promoting and realizing gender equality. She asked how the gender component of the Strategy would be aligned with the UN System-Wide Strategy on Gender Parity and requested the Office to publish its data on the implementation of the System-Wide Action Plan on Gender Equality and the Empowerment of Women 2.0. She asked how the results of the independent evaluation of the ILO’s field operations and structure 2010–16 had been reflected in the Strategy. The focus on reducing work-related stress and burnout was welcome, and the Administration should have a zero-tolerance approach to discrimination and harassment. Which tools would be used to eliminate and prevent future incidents? Strengthening internal governance and accountability would help, and the Office should consider implementing management accountability compacts similar to those used at the UN and the World Health Organization. IMEC supported the draft decision.
- 872.** *Speaking on behalf of the BRICS countries*, a Government representative of China said that the Strategy should focus on recruiting staff of the highest standards of competence, efficiency and integrity. Recruitment responsibilities should be devolved to the regional offices wherever possible, in particular for entry-level positions and internships, to accelerate the process of diversification of the workforce. Internship programmes should be used to build capacity for young people and promote recruitment from less-represented regions and countries. Additional statistics on geographical representation and gender balance of interns in Geneva and information on the recruitment requirements would be welcome. Equitable geographical representation and gender balance should be pursued both with regard to the field offices and at the policy-making level. Priority should be given to achieving the target for less-than-adequately represented nationalities under indicator 2.1.2. The development of staff and leaders should be aligned with the responsibilities and targets contained in the DWCPs. He requested an update on the Strategy in March 2018.
- 873.** *A Government representative of the Islamic Republic of Iran* said that securing the highest standards of efficiency, competence and integrity was vital in the recruitment of staff. The principle of equitable geographical distribution was also of paramount importance, and

member States' contributions and populations should be given higher priority. He supported the draft decision.

- 874.** *A Government representative of the Republic of Korea* said that she supported the Office's approach of recruiting the most talented people from across the world and making its human resources services more efficient. Retaining and managing human resources would be the Office's greatest challenge in getting ready for transformative change in the world of work before the centenary. Skills upgrading was needed for staff members, and the Performance Management Framework should be extended to increase staff accountability for performance. The proposed recognition of high-performing staff members was welcome. The Office should listen to member States and ensure equitable geographical distribution and gender parity in recruitment for professional and higher positions both at regional offices and headquarters. Additional information on the baselines for the indicators of the Strategy would be welcome, to verify that the targets set were sufficiently challenging. She supported the draft decision.
- 875.** *A Government representative of China* welcomed the pragmatic approach to human resources reform adopted by the Office. He supported the goals of the Strategy, in particular those relating to a mobile and engaged workforce, the development of staff and leaders, the improvement of human resources services through digitization, and enhanced cooperation with the International Training Centre of the ILO and the ICSC on human resources reform. The target for less-than-adequately represented countries was particularly welcome, and China stood ready to assist the Office by recommending candidates for the Junior Professional Officer programme and the internship programme. The concerns of under-represented countries should also be taken into account in recruitment to P and D positions. Regular progress reports concerning the indicators and targets of the Strategy would be valuable. He supported the draft decision.
- 876.** *A representative of the Director-General* (Director, Human Resources Development Department) said that the strategy document differed from those in the past in that it contained indicators and targets that would facilitate the Governing Body's assessment of the Office's performance. The concerns of a number of member States relating to geographical representation, especially of less-than-adequately represented nationalities, were noted. An average over the previous four years could be used as the baseline. However, there would potentially be a reduction in the number of vacancies in regular budget positions from 1 January 2018, owing to the Governing Body's decision to increase the mandatory age of separation to 65 years.
- 877.** The gender component of the Strategy was well aligned with the UN System-Wide Strategy on Gender Parity, which had been developed with the help of the Office. Information on the current situation relating to gender parity could be found in document GB.329/PFA/INF/4. Around 45 per cent of professional and higher positions were occupied by women, which was not far from achieving parity. Women outnumbered men in P2 and P3 posts, and gender parity had been achieved in P4 posts. However, only around 35 per cent of P5 posts and 39 per cent of D1 posts were currently held by women, therefore work was required in that respect.
- 878.** The Office had reported to the Governing Body in March 2016 on the Human Resources Strategy for 2010–15, in which much progress had been made in creating leadership and management development programmes, increasing geographical and functional mobility, raising rates of compliance with the Performance Management Framework, concluding new agreements on maternity protection and devising policies and procedures for combating harassment. The geographical diversity criteria were applied only to the recruitment of staff financed by the regular budget. Both gender equality and geographical diversity should indeed be applied throughout the grading structure, not just lower grades. The issue of risk

assessment was addressed in paragraph 31 of the document, and included workforce planning, contingency planning and the creation of standard operating procedures for most human resources functions. Synergies did exist with the IT and knowledge strategies, and also the development cooperation strategy.

879. IMEC's proposal to break down the mobility indicator into separate indicators for geographical mobility and functional mobility was feasible and would be given due consideration. Reducing the length of time required for recruitment was included in the Strategy; the corresponding indicators were shown in the document. As to field operations, HRD and PARDEV, alongside other departments and regional offices, were examining how to further enhance human resources support.
880. The Organization had a zero-tolerance approach to harassment and misconduct, and new procedures were in place. A list of sanctions imposed on staff members found guilty of misconduct had been published earlier in 2017.
881. Young persons recruited to the ILO's internship programme were subject to a selection process that took into account geographical diversity and gender equality. Around 130 interns per year were assigned to headquarters and approximately 100 to field operations. In addition to gaining important experience, interns participated in training that provided them with knowledge of the labour market. While the relative inexperience of most interns made it difficult for the Office to hire them to regular positions, the programme was an important pipeline for ILO recruitment in the long term.
882. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that, having reviewed the response of the Office to its concerns, the group requested that the matters be incorporated in the strategy document at the earliest opportunity so that it could endorse the draft decision. If that was not possible during the current session of the Governing Body, the group would revert to its proposal to defer the decision to the March 2018 session.
883. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the design of the Human Resources Strategy 2018–21 had taken into account the outcomes and lessons learned from the previous strategy, particularly on performance management, recruitment processes, leadership development, the Organizational Health Index and the BPR. As a result of modified recruitment strategies, the number of staff appointments from less than adequately represented or non-represented countries had more than doubled from the 2013–14 biennium to the 2015–16 biennium, and the number of applications received from candidates from those countries had also doubled; however, greater improvement was necessary. Those recruitment strategies would be continued and further initiatives would be introduced. Reviews of the Human Resources Strategy would examine potential affirmative action programmes, the composition of selection panels and requirements for language and experience.
884. The overall risk strategy for the Office had been established within the framework of the programme and budget, and included human resources risks and mitigation strategies, namely: resources shortfall, qualified talent shortfall and internal human resources capacity. There was also a matrix in place linking the Human Resources Strategy with strategic plans related to information technology, knowledge sharing and development cooperation, among others.
885. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia thanked the Office for the explanations it had provided in response to his group's concerns about matters that had not been explicitly or fully captured in the Office document, and requested the Office to put those concerns and the responses on record. He supported the draft decision,

on the understanding that the issues would be addressed in the next Office document on the HR Strategy.

Decision

886. *The Governing Body endorsed the Human Resources Strategy 2018–21 and requested the Director-General to take into account the guidance provided by the Governing Body in implementing the strategy.*

(GB.331/PFA/13, paragraph 32.)

Fourteenth item on the agenda

Amendments to Staff Regulations

887. There was no document under this agenda item.

Fifteenth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Recognition of the Tribunal's jurisdiction by other international organizations (GB.331/PFA/15)

888. *The Employer spokesperson* said that his group supported the draft decision.

889. *The Worker spokesperson* said that it was regrettable that the World Meteorological Organization (WMO) had decided to discontinue its recognition of the Tribunal's jurisdiction despite its staff association having expressed a preference to the contrary. The Workers' group supported the draft decision.

890. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group welcomed the recognition of the ILO Administrative Tribunal's jurisdiction by the ASEAN+3 Macroeconomic Research Office (AMRO). He encouraged the Office to continue cooperating with the WMO in relation to any outstanding issues pertaining to its withdrawal. The Africa group supported the draft decision.

891. *Speaking on behalf of IMEC*, a Government representative of the United States commended the work of the judges of the ILO Administrative Tribunal. IMEC welcomed AMRO's recognition of the Tribunal's jurisdiction. However, it was concerning that the WMO had decided to discontinue its recognition of the Tribunal's jurisdiction just one year after the Permanent Court of Arbitration's withdrawal. IMEC sought assurance from the Office that the withdrawals were not part of a broader trend suggesting that an escalating financial burden and protracted delays in judgment delivery had led to a loss of confidence in the Tribunal's processes and jurisprudence.

- 892.** Regarding the workload and effectiveness of the Tribunal, IMEC recognized the Director-General's ongoing efforts to work with the European Patent Organisation (EPO) to improve its internal policies with a view to reducing the number of complaints filed against the EPO and thus enable the Tribunal to discharge its backlog. The group requested a full report on those efforts and on the progress in clearing the backlog at the March 2018 session of the Governing Body.
- 893.** IMEC considered that the Director-General should continue to explore, in consultation with the Tribunal, all possible means for ensuring its effective and unhindered operation and requested a report on the possible measures to enhance the functioning of the Tribunal at the March 2018 session of the Governing Body. IMEC supported the draft decision.
- 894.** *A representative of the Director-General (Legal Adviser)* said that there was no indication of a broader trend of member organizations withdrawing from the jurisdiction of the Tribunal. While financial reasons were mentioned in the context of the withdrawal of the Permanent Court of Arbitration and delays in the delivery of judgments were cited by the Legal Counsel of the WMO as the main reason behind the WMO's decision to withdraw from the jurisdiction of the Tribunal, there was nothing to suggest that an escalating financial burden was causing dissatisfaction among member organizations. Nor was there reason to suspect a loss of confidence in the Tribunal's jurisprudence. It was indicative that the Permanent Court of Arbitration had decided to resolve the employment disputes of its staff through recourse to a single arbitrator who was bound to apply the case law of the ILO Administrative Tribunal.
- 895.** According to statistics provided by the Registry of the Tribunal, there had been a clear reduction in the number of complaints filed against the EPO in the first nine months of 2017 as compared to the same period in the previous two years. Furthermore, detailed information had been received from the President of the European Patent Office concerning an Executive Council decision of June 2017 on the comprehensive reform of the EPO internal justice system, including the appointment of external chairpersons to its appeals committee and disciplinary committee. The Office could prepare the two reports requested by IMEC for the subsequent session, subject to the approval of the Screening Group.

Decision

896. *The Governing Body:*

- (a) approved the recognition of the Tribunal's jurisdiction by the ASEAN+3 Macroeconomic Research Office (AMRO), with effect from 31 October 2017;*
- (b) took note of the intention of the World Meteorological Organization (WMO) to discontinue its recognition of the jurisdiction of the Administrative Tribunal;*
- (c) confirmed that the WMO would no longer be subject to the competence of the Tribunal with effect from 31 October 2017;*
- (d) requested the Director-General to follow up with the WMO regarding the payment of any outstanding costs.*

(GB.331/PFA/15, paragraph 18.)

Sixteenth item on the agenda

Other personnel questions

Update on the decisions taken by the International Civil Service Commission (ICSC) at its 85th Session regarding the post adjustment index for Geneva ([GB.331/PFA/16\(Rev.\)](#))

- 897.** *The Worker spokesperson* said that the ICSC decision had raised significant managerial, methodological and legal concerns in all Geneva-based staff agencies, particularly regarding the rental data and housing sub-index calculations. She fully supported the Office in pursuing dialogue with the ICSC in its review of the survey methodology and its application. She agreed with the Office on the need to implement decisions arising from the common system bodies. However, it was important to ensure that the Office was not exposed to financial liabilities arising from potential legal challenges. That was why it was better to wait until the ICSC review of the survey methodology before proceeding to implement the ICSC decision. The Workers' group supported the draft decision.
- 898.** *The Employer spokesperson* said that ensuring the fair treatment of Office staff was of greater importance than maintaining internal equity and consistency within the UN common system. The ICSC recommendations should therefore be disregarded and no reductions in staff remuneration should be made. The principle of equity required a solid methodology, but questions had been raised as to the ICSC's methodology, analysis and recommendations. The lack of consensus as to the facts and analysis supporting the decision was very troubling, as were the prospect of legal challenges and the potential negative impact on the Organization's ability to attract, retain and motivate staff members and to service constituents. The Employers could support the draft decision to postpone a final decision until the March 2018 session of the Governing Body if additional information leading to understanding between the ICSC and Geneva-based agencies was likely to emerge beforehand. If the Commission's methodology and application were determined to be sound, the Employers would seek ways to alleviate the financial impact on ILO staff.
- 899.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that he welcomed the efforts of the Director-General and the heads of other Geneva-based UN agencies to clarify the survey methodology and its application, and the ICSC's commitment to review, in collaboration with representatives of the administrations and staff associations, the post adjustment salary methodology and application. It was therefore reasonable to wait for the outcome of that process before implementing the ICSC decision. He asked whether there would be any legal and administrative implications for the ILO of delaying implementation. The Africa group supported the draft decision.
- 900.** *Speaking on behalf of IMEC, ASPAG and the Eastern Europe group (EEG)*, a Government representative of Canada said that the issue should not be on the agenda of the Governing Body, as ICSC decisions should be implemented automatically by all agencies in the UN common system and did not require the Governing Body's approval. In terms of procedure, the ILO website had not indicated that there would be a document and draft decision on the matter until the document's publication, which had occurred at a late stage, with no prior indication that it would be late.
- 901.** Consistent policies and system-wide standards were important because they maintained a level playing field for work of equal value, prevented organizations from competing for staff,

allowed for central maintenance of salary scales and allowance schedules, and facilitated a contemporary approach to workforce planning and inter-agency mobility. The post adjustment was designed to provide staff with the same purchasing power at all duty stations; uneven application would challenge the future of the common system. The ICSC had confirmed that its data collection and processing had been conducted in accordance with the approved methodology, and any changes resulting from the review would not take effect until the next round of cost-of-living surveys. Therefore, the ICSC decision should be implemented in full for both new and existing staff within the newly established timelines. IMEC, ASPAG and the EEG could not accept the draft decision of the Office and proposed the following new wording:

The Governing Body:

- (a) notes that the application of the revised post adjustment index for all Geneva-based staff in the Professional category and above on the basis of the results of the 2016 round of cost-of-living survey will be implemented in full – for both new and existing staff – in line with the timelines set out by the ICSC at its 85th session; and
- (b) welcomes the decisions of the ICSC, as set out in its annual report of 14 August (ref. A/72/30 in paragraph 127):

“The Commission decided to:

- (a) reaffirm that the collection and processing of the data from the baseline cost-of-living surveys for 2016 were carried out by the secretariat in accordance with the approved methodology;
- (b) take note of the findings in the documents prepared by the Geneva statisticians, and of staff federations, on various aspects of the post adjustment methodology, and the secretariat’s response to those findings, and to provide both documents to the Advisory Committee on Post Adjustment Questions; and
- (c) request the Advisory Committee to continue its work on improving the methodology underpinning the post adjustment system, in collaboration with representatives of the administrations and staff federations of the United Nations common system.”

902. *Speaking on behalf of the Nordic countries*, a Government representative of Finland, supporting the IMEC statement, said that the Office should implement the ICSC decision in full and without delay. The decrease in the post adjustment resulted from the lower cost of living in Geneva; that did not constitute a “wage cut”. It was important to preserve unity within the common system. Prolonged, unnecessary discussion would divert time and attention from the UN’s core work of delivering on the SDGs and would put its reputation at risk.

903. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office document referred to the ILO’s legal obligation to implement the decisions of other bodies in accordance with the principles established by the ILO Administrative Tribunal. The Office was proceeding with caution to ensure that implementation of the ICSC decision would be based on appropriate methodologies, which was a matter still under review. The ICSC decision was due to be implemented as from February 2018, and the recommendations of the ICSC Advisory Committee on Post Adjustment Questions would be available by the end of that month. By postponing a final decision on application of the revised post adjustment index until the March 2018 session, the Governing Body would be able to take into account the outcome of the review of the survey methodology, any issues identified and the recommendations made by the ICSC Committee.

904. *The Director-General* said that the Office fully appreciated the importance and sensitivity of the issue and the contrasting concerns expressed by the constituents. As to process, he had

clearly stated at the previous session in June 2017 that the matter would be placed on the agenda of the current session. The need to maintain and support the integrity and authority of the ICSC and of the common system was precisely what had moved the Office in its recent engagement with the ICSC. The choice between respecting the integrity of the common system and ensuring fair and legal treatment of staff was not an insoluble dilemma.

905. The only engagement of the ILO and other organizations with the ICSC had been to seek assurances as to the validity and accuracy of the methodology applied; there had been no attempt to negotiate on salary levels. Although not termed as such, when staff members received less pay at the end of the month, that was indeed a wage cut. It was essential to the authority of the ICSC and of the UN common system that the ILO exercised due diligence in verifying the accuracy and appropriateness of the methodology used by the ICSC and the decisions it had reached. The Office document explained why there were management, technical and legal challenges. It was to be hoped that those challenges would be resolved through sincere, objective and productive dialogue with the ICSC. Deferring a final decision on implementation until March 2018 would allow the Governing Body to consider the situation in fuller knowledge of the facts. That would mean a two-month delay in the implementation of the ICSC decision. The ILO remained committed to the integrity and authority of the ICSC and to the necessity of preserving the common system.
906. *The Employer spokesperson* said that he had been in contact with several governments and was sympathetic to their concerns; however, he believed that there was real value in making another attempt to resolve, at the expert level, differences of fact regarding methodology and application. The Governing Body did not currently have a full picture of the situation that would enable it to take a decision. In any event, his group could not support the amendment proposed by IMEC.
907. *The Worker spokesperson* said that, while the situation was a difficult one, her group supported the draft decision in its original wording.
908. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group, which was largely composed of ministers of labour, had attempted to engage with IMEC in a search for a balance between the integrity of the UN common system and the fair treatment of staff. His group supported the draft decision as proposed by the Office.
909. *The Employer spokesperson* asked whether the Office could assure constituents that the Governing Body, at its March 2018 session, would be presented with a set of facts regarding the methodology and its application that both the ICSC and the Geneva-based organizations agreed to.
910. *The Director-General* said that, while he could not speak for the ICSC, the Office would make every effort to meet the Employers' request at the next session.
911. *Speaking on behalf of IMEC, ASPAG and the EEG*, a Government representative of Canada said that some members of the groups that she represented had read an ICSC report which might not have been available to other Governing Body members. It might be useful to delay action on the draft decision for a few days so that that information could be shared and discussed.
912. *A Government representative of Australia* supported the request for consideration of the item to be deferred until later in the session.
913. *A Government representative of the Russian Federation* said that his country and the EEG supported the proposal made by IMEC.

914. *The Worker spokesperson* said that a few days' delay was unlikely to resolve the issue; she would prefer to adopt the draft decision as proposed by the Office.
915. *The Employer spokesperson* said that if there were particular considerations that were of concern to IMEC, that group should clarify them. Similarly, any information that was specific to that group should be shared, so that the Governing Body could take a more informed decision on the matter.
916. *A Government representative of Swaziland* said that there was a clear majority in support of the draft decision and she saw no need to delay the adoption of the draft decision.
917. *Speaking on behalf of IMEC, ASPAG and the EEG*, a Government representative of Canada said that she would be happy to engage in further discussion with the Employers' and Workers' groups. However, it was clear that the ILO had a mandate with respect to workers and the world of work, and she respected the views of the majority of Governing Body members.

Decision

918. *The Governing Body:*

- (a) *noted that a review of the methodology and of the conclusions of the report of the team of statisticians would be undertaken by the International Civil Service Commission (ICSC) before its 86th Session; and*
- (b) *decided that the application of the revised post adjustment index for all Geneva-based staff in the Professional category and above on the basis of the results of the 2016 round of cost-of-living surveys would be considered for final decision at its 332nd Session in March 2018.*

(GB.331/PFA/16(Rev.), paragraph 10.)

919. *Speaking on behalf of IMEC*, a Government representative of Canada said that the Governing Body should consider a number of points ahead of its next session. The Office's commitment to the UN common system was undoubted; however, the delay in the implementation of the ICSC decision regarding the post adjustment index would weaken that system and lead to an inconsistent application of the ICSC mandate to staff within it.
920. As to the draft decision in the document, not all of the information on which it was based had been shared, particularly with the social partners. For instance, the Office had shared the views of its own statisticians on the survey methodology, but not the response of the ICSC or explanations of the decision, which had been known to governments. The unbalanced presentation had led to poor decisions based on incomplete facts. The group sought the Office's assurance that all relevant documents from the ICSC would be provided to constituents well before the March 2018 session of the Governing Body so that they would receive adequate consideration and result in better-informed decision-making. An ICSC representative could also be invited in order to dispel any misunderstandings.
921. She requested clarification regarding: the action the Office would take once the ICSC review was complete; the proposed date of implementation of the ICSC decision; the circumstances under which ILO management would propose not to implement the decision at all; the advice that would be given to staff; and the manner in which the ILO management would engage with the union in social dialogue to facilitate implementation of the decision to be taken at the March 2018 session. The Governing Body members would also welcome information

on the implications of the decision it had taken at the current session, including the financial implications. IMEC strongly supported and encouraged communication between the ICSC and all stakeholders. Lastly, she expressed dismay that the group's request for additional time for consultations had not been granted; it was expected that that courtesy would be extended to all parties in the future.

- 922.** *The Director-General* welcomed the recognition of the fact that the ILO had always been, and would remain, committed to upholding the UN common system. All the Office's efforts had been undertaken with that objective in mind. It was his firm hope that, after its discussion in March 2018, the Governing Body would be in a position to implement the ICSC decision and that the concerns about inconsistency would be resolved. The Office had never sought to withhold information; indeed, it would not be in its interests to do so. The Office would be able to provide the Governing Body with the fullest possible information in March 2018 about the outcome of the ongoing dialogue between the ICSC and its Advisory Committee on Post Adjustment Questions, and the ILO and other organizations. Nobody desired greater transparency on the issue than ILO management.
- 923.** There would be no financial cost to not implementing the ICSC decision, because the decision had not been known at the time the Programme and Budget for 2018–19 was approved. If the ICSC decision was implemented as it stood, the savings would be approximately US\$250,000 per month. The Office would carefully prepare its document for the March 2018 session and endeavour to provide all parties with all the information they desired. He welcomed the proposal to invite the ICSC to make its views known in person, subject to the approval of the steering group, or through documentation. It was his hope that the Governing Body would be able to reach a decision in March 2018 that would allay IMEC's concerns and meet the approval of all parties.

Appendix I

Statement by the Chairperson of the Staff Union Committee to the Programme, Financial and Administrative Section (331st Session – 31 October 2017)

Mr Chairperson,

Mr Director-General,

Ladies and gentlemen, members of the Governing Body,

Dear colleagues,

It is my honour to address you today as the elected Chairperson of the ILO Staff Union, which represents around 70 per cent of the staff. This is a great opportunity for me to talk to you about industrial relations within the Office, the morale of the staff and their position on the items on the Governing Body's agenda.

Of particular interest to the staff are two documents on, respectively, the Human Resources Strategy for the next five years (document [GB.331/PFA/13](#)) and the decisions taken by the International Civil Service Commission (ICSC) regarding the post adjustment for Geneva (document [GB.331/PFA/16\(Rev.\)](#)).

The first of these documents is subtitled “Agility, engagement and efficiency”. Naturally, these words drew the attention of the staff representatives, who were very interested in the long-term strategy prepared by the Human Resources Development Department (HRD) since, as we all know, an organization's value is often measured not only by the competence and motivation of its staff, but also by their well-being, all of which are needed to help them to achieve their goals. The staff representatives therefore took due note of the document and would like to take this opportunity to share with you their position on several of the issues mentioned therein that have a direct impact on staff working conditions.

While the Staff Union is pleased to note that the Office wants “to be able to attract, develop, engage” and, above all, “retain” staff, it really hopes that these good intentions are not merely a strategy on paper and that they are followed by specific action in favour of staff. It also hopes that “agility”, a current buzzword, does not threaten job security. The Union will therefore make every effort to ensure, on the one hand, that staff retain their acquired rights with regard to contracts without limit of time and, on the other, that colleagues working on development cooperation projects are no longer considered expendable depending on the needs of the Organization. These colleagues, who now account for 40 per cent of the ILO's workforce, are entitled not only to contracts of the same duration as the projects for which they were hired, but also to prospects for genuine career advancement and incorporation into the Organization, since they helped it to achieve its goals. This issue has, of course, been discussed during the negotiations on a new contracts policy, which are still under way.

With regard to staff recruitment and selection, the Staff Union would like to make two remarks:

- First, while it agrees that the Organization needs to diversify its workforce, it hopes that this initiative will not be limited to geographical or gender diversity. The term “diversity” has a far broader meaning and should also include ways to better integrate persons with physical or mental disabilities. Above all, the Staff Union hopes that this issue will be incorporated into the rules set out in the Staff Regulations rather than including them in the internal ad hoc practices, which give rise to numerous equity and justice problems and are a factor in the upsurge in legal complaints, which are never in

the Organization's interests. If the rules must be changed, the Union is prepared to resume its place at the bargaining table, at which time it will reaffirm that it is essential for the Organization to introduce a comprehensive programme to identify, recruit, integrate and support young people from all countries – including under-represented or unrepresented countries – so that they can plan their long-term career with the Organization calmly and, above all, legitimately.

- Our second comment concerns the targets listed in paragraph 19 of the document. The Union notes that, as a result of the intervention of the private corporation charged with conducting the Business Process Review (commonly referred to as the BPR), everything must now be quantified. As an attentive, involved witness to the recruitment and selection procedures, the Union wonders where the data presented was gathered. The human and financial resources allocated to the ILO recruitment service are so minimal and so piecemeal that, in all probability, these targets cannot be met without a relentless work overload for the staff. The point is not to streamline at all costs but, in an Organization that should serve as a model, to make it possible to recruit or select the best person in every service or office set up worldwide, and that process cannot be reduced to the bare bones. “Quick and dirty” is unacceptable if we want the quality needed in the recruitment and selection of our staff.

The document also makes several references to staff members' need for a healthy environment and good working conditions. All of the colleagues whom I represent doubtless have a wealth of individual and collective experience to share with regard to their daily lives in the Organization, where the pressure continues to grow, where they are required to record the progress of their work to the nearest half-hour and where General Service staff are doing four or five jobs at the same time, particularly in the field; some of them are performing tasks far above their grade level and having to run whole offices in the absence of the director and the experts, who are overwhelmed by the burden of missions in neighbouring countries. This situation has a significant impact on the Organization's ability to act and on its independence in meeting constituent needs. I also feel compelled to mention the working conditions of our colleagues on development cooperation projects; for reasons of economy, some of them are sent to so-called “fragile” States that may lack the minimum safety standards, while others are working on month-to-month contracts with no idea of what their career prospects may be. Doing more with less; abolishing posts when the incumbent retires; using subcontractors in areas that are already stripped to the bone, such as security; spreading uncertainty and frustration – it all has a cost in terms of health and staff morale and, as a result, the incidence of work-related illness is rising continually. Is this what the Organization wants for its staff as it prepares to celebrate its centenary? Is the future of work less important in the ILO itself than it is elsewhere? The Organization should be wary of false economies.

The Staff Union would also like to raise the issue of internal governance. While the administration seems to be satisfied with ILO governance, the staff representatives believe it is premature to say – as indicated in paragraph 12 of document GB.331/PFA/13 – that “significant investments have been made in advancing internal governance and accountability”. Much remains to be done with respect to transparency and accountability in cases of misconduct in order to increase staff trust in the administration's decisions in this area. While the concept of zero tolerance is much talked about within these walls, it cannot reasonably be based on a piecemeal and simplistic approach, lacking the clear vision of a comprehensive accountability framework. The Staff Union would like the Organization, in the interests of the ILO and its staff, to have a comprehensive and coherent system with guidelines and procedures in place, to ensure that the persons concerned will be treated fairly, irrespective of their place in the hierarchy, and that their rights will be respected, in line with the ILO accountability framework adopted in 2010 and in keeping with the other organizations in the United Nations system.

Of course, I cannot end my comments on the Human Resources Strategy without discussing one issue that the staff representatives consider to be fundamental: where is social

dialogue in all of this? You have to wait for the penultimate page of the document, which focuses primarily on staff matters, to find any reference to the Staff Union (“the staff representatives”) and that it has been placed under the category of “synergies and cross-cutting issues”.

Finally, some good news: instead of not being included at all, the Staff Union will be involved in everything!

At any rate, this is how the staff representatives interpret it. They will be ready to take part in all future discussions, consultations and negotiations that will be held in the formal setting of the Joint Negotiating Committee on all the topics covered in the five-year strategy. This will ensure that the promises made in paragraph 27 of the document are kept, which refers to “a conducive work environment and smooth industrial relations”.

Last but not least, ladies and gentlemen, members of the Governing Body, let me now turn to the final document, GB.331/PFA/16(Rev.). I am sure you will all have something to say about this. You all know that one of the special characteristics of the international civil service is the two-tier system for determining its conditions of service and working conditions. Some aspects may be determined within each organization through a kind of bargaining framework; but when it comes to determining salaries and allowances, the ICSC is recognized as the competent body, under the delegated authority of each organization. This is what we know as the “United Nations common system”.

I am not going to go back over all of the events that have taken place because the six-month fight – including mass demonstrations and work stoppages, supported by global petitions and acts of solidarity by some of the most remote duty stations in the field – cannot be summarized in just a few minutes. However, I can tell you what, in the light of new developments, staff are still unwilling to accept. Make no mistake about the purpose of this action. This is not an isolated fight of affluent civil servants at a headquarters location determined to maintain their salary at any cost. ILO staff are responsible and devoted, and prepared to accept decisions concerning their conditions of service, as long as those decisions are substantiated, justified and fair. This fight is about probity; it is about the seriousness and reliability of analyses. It is a fight that they believe to be justified, a fight for their salaries to be determined according to surveys applying measurable, transparent criteria to the situation of the countries where they are based; surveys that do not contain over 50 officially acknowledged mistakes, as was the case, for instance, with the 2016 survey for Geneva salaries. It is a global fight for all United Nations staff – whether based in Nairobi, Jakarta, Haiti, Addis Ababa or Bangkok – who, in respect of staff surveys, have suffered for years from a lack of transparency and technical clarity and, ultimately, from a lack of accountability and admissibility on the part of the body conducting the surveys.

The July 2017 session of the ICSC was a case in point. The session was intended to clarify a number of issues and to put minds at rest, in the hope of steering the figures back in the right direction and allowing the staff representatives to leave in the knowledge that, by entrusting the ICSC with determining their salaries, they were relying on the pillars of good faith, reliability and competence.

Having been there in person, I can tell you that this was far from true. It was even agonizing in many respects. In addition to some very far-fetched data being used to justify a sudden salary cut of close to 8 per cent – while all national indicators show otherwise – staff representatives witnessed with dismay how overt contempt and arrogance were directed at some of the highest bodies representing the United Nations and at major global trade union federations which, alarmed by the seriousness of the situation, had offered to have a dialogue, but whose letters had not even been read. They were appalled at the content and form of the discussions, and at the weakness of the technical arguments. Not once was the methodology questioned by the entity using it. The staff’s distrust of and anger at the ICSC further increased when their representatives learned that the recommendations adopted at the session, and which could have led to positive action in favour of the staff, were not based on any sound technical arguments. Thus, the unilateral decision to reintroduce a temporary

cushion in the form of a margin at an arbitrary rate appears to be a short-term token gesture intended to appease staff. In any event, it would not solve the underlying problem: the methodology and how long-term calculations are made. In its July decision, the ICSC undertakes to review the methodology and to hold discussions with all the parties concerned. This is a wise decision. Furthermore, we have just learned that other organizations in the United Nations system recently decided to stay their hand pending receipt of up-to-date information to enable them to make an informed decision. ILO staff are therefore counting on the members of the Governing Body to follow suit, as they consider it to be premature, not to say risky, to do otherwise at the current time. Time must be set aside for discussions on reviewing the methodology – and staff representatives should be involved in those discussions. The salaries of staff based in Geneva and, indirectly, in the other headquarters locations and in all other duty stations can only be fairly determined on the basis of reliable facts.

As the staff representative, it is my duty to inform all of you, ladies and gentlemen, members of the Governing Body, that trust would otherwise be destroyed forever, and ILO staff would be more determined than ever to contest, by any means necessary – including before the various relevant tribunals – any decision that is technically unfounded. Indeed, our colleagues at the United Nations secretariat and other organizations have already started down that path, with over 250 legal appeals having been lodged with the Registry of the United Nations Dispute Tribunal to date and more expected.

As I said earlier, we must be wary of false economies. It is therefore important to think in the long term and to assess any potential losses.

This regrettable episode has, in any case, highlighted one fact: there is no collective bargaining mechanism in place for the United Nations system. Currently, the salaries of 60,000 international civil servants are determined using methodologies that are certainly very complex, but above all incredibly opaque – whose arcane calculations are jealously guarded by the heads of the duty stations – and are non-negotiable. The events of the first half of 2017 have only served to confirm the belief of all United Nations staff members (both at headquarters locations and in the field) that, against the backdrop of upcoming reforms, the United Nations can no longer harbour this Commission in its current form. It employs seventeenth-century methods, and with each passing day becomes less trustworthy and credible, posing a growing problem for both the staff and the organizations. ICSC working methods must therefore be overhauled as a matter of urgency and a dependable formal framework for labour relations established within the United Nations system. The reputation of the United Nations is at stake and the ILO will doubtless have a role to play in the reform process.

Thank you,

Catherine Comte-Tiberghien
Chairperson of the Staff Union Committee

Appendix II

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

331^e session – Genève – novembre 2017
331st Session – Geneva – November 2017
331.ª reunión – Ginebra – noviembre de 2017

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Lista final de las personas acreditadas en la reunión

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Membres gouvernementaux titulaires
Miembros gubernamentales titulares

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**Saint-Siège The Holy See
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Representantes de organizaciones internacionales gubernamentales

Organisation arabe du Travail

Arab Labour Organization

Organización Árabe del Trabajo

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Union européenne

European Union

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Organization of the Islamic Cooperation

Organización de Cooperación Islámica

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United Nations

Naciones Unidas

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Organización Mundial de la Salud

Mr D. BETTCHER, Director, Prevention of Noncommunicable Diseases and Mental Health.
Ms V. DA COSTA E SILVA, Head of the Secretariat, WHO Framework Convention Tobacco Control.
Ms G. LIU, Team Leader, Governance and International Cooperation.
Ms C. AUDERA-LOPEZ, Program Manager, Office of the Head of the Secretariat.
Mr V. PRASAD, Programme Manager, Noncommunicable Diseases and Mental Health.
Mr N. GUERRERO, Senior Legal Officer, Team Leader, Legal, Trade and Protocol.
Ms C. WILLEN, External Relations Officer, Governance and International Cooperation.
Mr A. KULIKOV, External Relations Officer, Global Coordination Mechanism Secretariat.
Mr B. MCGRADY, Technical Officer, National Capacity.

Organisation mondiale du commerce
World Trade Organization
Organización Mundial del Comercio

Mr S. MATHUR, Counsellor, Trade and Environment Division.
Ms M. KONG, Trade and Environment Division.

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

Business Africa

Ms J. MUGO, Secretary-General.

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

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

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

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

**Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional**

Ms S. BURROW, General Secretary.
Ms R. GONZALEZ, Director, ITUC Geneva Office.
Ms E. BUSSER, Assistant Director, ITUC, Geneva Office.
Ms M. SAHAN, Legal Unit.
Mr J. BEIRNAERT, ITUC Coordinator, Human and Trade Union Rights.

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

Mr A. MEZHOUD, Secretary-General.
Mr A. DIALLO, Permanent Representative to the ILO and UN Office in Geneva.
Mr E. BENMOUHOU.

Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial

Mr H. MOHAMED, President of Maritime Workers Union in Egypt.

Mr K. EISH, President of Food Industries Union in Egypt.

Mr M. KHALIFA, Interpreter.

**Mouvement de libération
Liberation movement
Movimiento de liberación**

Palestine Palestina

Dr I. KHRAISHI, Ambassador, Permanent Observer Mission, Geneva.
Mr I. MUSA, Counsellor, Permanent Observer Mission, Geneva.
Ms R. BALAWI, Attaché, Permanent Observer Mission, Geneva.