



## **Governing Body**

333rd Session, Geneva, 9 June 2018

**GB.333/PV**

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### **Minutes of the 333rd Session of the Governing Body of the International Labour Office**



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of the Governing Body of the  
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The 333rd Session of the Governing Body of the International Labour Office was held in Geneva on Saturday, 9 June 2018, presided over by Mr Luc Cortebecq (Worker, Belgium), as outgoing Chairperson, and Mr Claudio Julio de la Puente Ribeyro (Government, Peru) as incoming Chairperson.



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## Institutional Section

### First item on the agenda

#### Election of the Officers of the Governing Body for 2018–19

([GB.333/INS/1](#))

1. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that her group had nominated Mr Claudio Julio de la Puente Ribeyro, Ambassador, Permanent Representative of Peru to the United Nations Office and other international organizations in Geneva, for the post of Chairperson of the Governing Body for the 2018–19 period. She commended his leadership as the Vice-Chairperson of the Governing Body for the 2017–18 period and was confident that he would make an even greater contribution to the work of the International Labour Organization (ILO) as Chairperson of the Governing Body.

### Decision

2. *The Governing Body elected Mr Claudio Julio de la Puente Ribeyro, Ambassador, Permanent Representative of Peru to the United Nations Office and other international organizations in Geneva, to the post of Chairperson of the Governing Body of the ILO for the 2018–19 period.*

(GB.333/INS/1, paragraph 3.)

3. *The outgoing Chairperson* said that it had been an honour and privilege to serve as Chairperson of the Governing Body. He thanked all three groups of constituents, the spokespersons for the groups and his fellow Officers. He also thanked the Director-General, the Deputy Directors-General, the directors and their teams, and the management and staff of the Office for their cooperation and support during his tenure.
4. It had not been an easy year, but the way in which challenges had been addressed was proof of the proper functioning of social dialogue. Over the year, he had received many invitations to speak about the ILO, its work and the Future of Work Initiative, which had taught him several things. First, that many people in positions of responsibility among employers, governments, diplomats, workers, non-governmental organizations and students had, at best, a very vague idea of the ILO. Second, that such people were impressed by the work and achievements of the ILO if they were explained to them. Third, that the work of the ILO gave many people hope for the future. It was therefore important to explain more and better what the ILO was doing and, more importantly, how it was trying to give people a better future; there would be ample opportunity to do so in the framework of the Future of Work Initiative.
5. The ILO had an important role to play in working towards the achievement of the 2030 Agenda for Sustainable Development. Moreover, during the High-Level Section of the Governing Body's previous session, ILO constituents had conveyed a clear message to the Deputy Secretary-General of the United Nations (UN) on how the UN reform process could best take into account the specific tripartite and standard-setting nature of the ILO, its supervisory system and its activities. That meant having sufficient independence, and posed a challenge for the future of work and for the future of the ILO.

6. He offered his warmest congratulations to Mr de la Puente and stressed that the Officers of the Governing Body, while representing their own and respective groups, also had a collective responsibility for the work of the ILO itself, which could only be achieved by working collegially in the best interests of the Organization and its constituents.
7. *The Worker spokesperson*, noting that one advantage of tripartism was that all three constituent groups could nominate a Chairperson and that chairing meetings meant having to understand the positions of all three groups, thanked Mr Cortebeek for his excellent work as Chairperson and commended him for having maintained his independent role and on his successful mediation between the three groups.
8. *The Employer spokesperson* said that it had been a pleasure to serve with the outgoing Chairperson, especially at a time when the Governing Body had been faced with some of its toughest discussions. Mr Cortebeek had always found a way forward in a calm but unrelenting, respectful and patient manner. Everyone could learn from that, for it was critical for social dialogue and would perhaps be even more important as the ILO approached its second century of existence.
9. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea expressed her appreciation for the leadership of the outgoing Chairperson and his tireless efforts to pursue full tripartite consensus. His dedicated engagement to the ILO as Chairperson of the Governing Body for the 2017–18 period, and as Worker Vice-Chairperson for the 2011–17 period, had been crucial in the development of ILO tripartism and social dialogue.
10. *The Director-General* expressed his appreciation for the way in which the outgoing Chairperson had led the Governing Body over the past year, which had not been the easiest period in its history. As somebody who not only believed in the merits but actually practised all of the characteristics of dialogue, he truly embodied the spirit of tripartism. He presented the outgoing Chairperson with the gavel of the Governing Body as a token of its appreciation.

*(Mr de la Puente took the Chair.)*
11. *The incoming Chairperson* said that he was honoured by the confidence placed in him. There would be an intensive year of hard work ahead, but he took comfort in the knowledge that he could count on the support of all three constituent groups. He paid tribute to the outgoing Chairperson, Mr Luc Cortebeek, who represented the Workers, and to Mr Mthunzi Mdwaba, who represented the Employers, for the spirit of mutual respect, goodwill and commitment to try to reach a consensus that had prevailed in meetings of the Officers. He would endeavour to uphold that spirit as Chairperson of the Governing Body.
12. He thanked the Director-General, the Deputy Directors-General and the secretariat team for their infinite patience and constant support during his term as Vice-Chairperson. It would be an honour to work with them as Chairperson of the Governing Body during the ILO's important centenary year. He was committed to the task of strengthening multilateralism and was sure that the ILO would have an even more relevant role in the near future. Lastly, he thanked his colleagues from the Americas for having nominated him and especially those from Peru for their valuable support.
13. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Brazil said that it was an honour and privilege for his region for Mr de la Puente to be appointed as Chairperson of the Governing Body. Over the coming year, in addition to addressing ongoing challenges, there would be an added responsibility



for the Chairperson as the ILO would celebrate its first centenary. More importantly, the Organization would be mapping out how it would like to develop over its second century.

14. He was certain that the incoming Chairperson, with his experience and talents as a diplomat in Latin America and the Caribbean, would know how to lead all three constituent groups in the very particular context of the Organization in a highly balanced and impartial way towards tripartite consensus, which was the very essence of the Organization. The incoming Chairperson would have the full support of GRULAC, the other groups and the social partners.

## Decision

15. *The Governing Body re-elected Mr Mthunzi Mdwaba (Employer, South Africa) as Employer Vice-Chairperson of the Governing Body, and elected Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson of the Governing Body, for the 2018–19 period.*

(GB.333/INS/1, paragraph 3.)

## Second item on the agenda

### Approval of the minutes of the 332nd Session of the Governing Body ([GB.333/INS/2](#))

## Decision

16. *The Governing Body approved the minutes of its 332nd Session, as amended.*

(GB.333/INS/2, paragraph 2.)

## Third item on the agenda

### Questions arising out of the 107th Session of the International Labour Conference requiring immediate attention

17. *The Worker spokesperson* said that the past two weeks had proven that the concerns raised by the Workers' group over the two-week format for the International Labour Conference were well-founded. Working conditions and hours had reached the limits of acceptance according to ILO standards. Furthermore, working into the night had meant that cafeterias had been closed and there had been no transport facilities. The latter had made it particularly unsafe for female participants and staff. She therefore called for further discussions on the two-week format before taking a final decision on maintaining it as the format for the future. Moreover, the possibility of starting the two-week format on a Wednesday should be discussed, as it would give two working weekends during the Conference.

18. There had been complaints from members of the Workers' group with delegate status or delegates' substitutes who had been turned away from plenary or committee rooms because they were full. Delegates and their substitutes must be able to participate in discussions. With around 6,000 participants in 2018 and even more expected in 2019, the ILO's Centenary year, the issue must be addressed as a matter of urgency.
19. There had also been complaints of Government and Employer members trying to attend private sittings of the Workers' group. There should be more monitoring at the doors of rooms where private meetings were being held.
20. *The Employer spokesperson* said that the two-week format had again reinforced the Organization's credibility and efficiency. However, he agreed with the Worker Vice-Chairperson that some logistical difficulties needed to be addressed, including the problem encountered by delegates in gaining access to the plenary room for the opening session of the Conference.
21. The Committee on the Application of Standards had again demonstrated its ability to lead a meaningful and results-oriented tripartite dialogue. The recurrent discussion on social dialogue and tripartism had been open, free and frank, and the proposed framework for action contained in the conclusions adopted by the Conference would help guide ILO member States and the Office, with the support of the constituent groups, in strengthening of social dialogue and tripartism at all levels. The General Discussion Committee's deliberations on effective development cooperation had been successful, despite tensions over renewing constituent guidance on a future development cooperation strategy for the ILO in the light of the Sustainable Development Goals (SDGs), the changing world of work and the UN reform. However, it had proved difficult to achieve consensus in the discussions of the Standard-Setting Committee: Violence and Harassment in the World of Work, due to the complexity of the issues and what was perceived to be a weak basis for the discussion. He expressed the hope that substantial changes would be made before the publication of the proposal for the discussion in 2019, so that a meaningful instrument to coincide with the ILO Centenary could be unanimously adopted. Effective preparation for 2019 was critical, particularly as the Conference would be even more congested than in 2018 because of the ILO Centenary celebrations, and given the more condensed two-week format.
22. The Employers' group proposed five areas for improvement. First, Conference reports should better reflect expectations, input and areas of interest from all constituents in order to provide a foundation for optimum discussion, avoid creating negative tensions and maximize negotiating time. Second, speaking times in the technical committees must be fixed and strictly adhered to, especially during the general discussions, using the same technology and methodology used in the Committee on the Application of Standards, including counter clocks set up in the meeting rooms of the *Palais des Nations*. Breaks for long periods between discussions and night sessions should be avoided where possible. Third, the conclusions/outcomes of technical committees should be focused, concise and action-oriented. Fourth, the selection process for chairpersons should be completed earlier, finishing in April, not a week before the Conference, to enable the Office to brief and prepare chairpersons on their roles efficiently and effectively. Fifth, he expressed concern at the trend for a proliferation of participants without an institutional role. The Conference was a formal tripartite gathering to deliver on specific tasks agreed by the Governing Body; the Employers were yet to be satisfied that many of the non-governmental organizations attending were making a contribution.
23. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that it had been the first time under the two-week Conference format that a standard-setting committee had discussed a lengthy Office-prepared set of conclusions as the basis for a Convention supplemented by a Recommendation. Discussions had been contentious and

characterized by unprecedented procedural manoeuvring. More than 300 amendments had been submitted and the manner in which they had been discussed had made it difficult to consider the importance or relative merits of the amendments. Considerable time had been spent on subamendments pertaining to grammar or drafting in one of the three languages, rather than on the substance, and suspensions of the proceedings had been frequent. After almost daily night sessions, including on Saturday, members and the Chairperson had displayed signs of fatigue in their Committee interventions, and the Committee had been unable to complete its work. Although discussions on the conclusions relating to a proposed Convention had been completed during the Committee sittings by the end of the scheduled discussions, the last 14 of the 22 sections of bracketed wording in the conclusions regarding a proposed Recommendation had had to be left bracketed due to lack of time. As a result, the Office's draft of the proposed Recommendation to supplement the Convention to be discussed at the 2019 Conference would be prepared without the benefit of a first discussion on a large part of the conclusions.

24. Given that the first discussion had failed to achieve its objectives, the Africa group requested the Governing Body to review the methodology of standard-setting committees with a view to streamlining their work. The review should examine ways to: (i) prepare the Officers of the committee prior to the Conference; (ii) hold pre session consultations among the tripartite groups, including regional groups; (iii) enhance the management of committee deliberations, including ways to streamline debates; (iv) improve facilitation by the Chairperson and the Office to ensure efficient informal discussions during the sittings; (v) improve procedures for tabling and discussing amendments and subamendments; (vi) upgrade video equipment to enable the comparison of amendments; (vii) provide additional equipment and personnel if needed to enable the display of proposed text in three languages in real time; and (viii) enhance the rules relating to standard-setting discussions, including the length of time needed for such discussions and the facilitation of informal consultations between the first and second discussions.
25. The spirit and the tenor of debate should be a subject of ongoing concern and attention, including by the Office and the Officers of the Committee. Social dialogue would not be effective and consensus would not be achieved if ILO constituents did not take into account differences in national laws, customs and practices and levels of economic development among the member States.
26. Finally, the Africa group requested clarification as to how the “brown report” containing a proposed Recommendation would be prepared for the 2019 discussion in the absence of relevant conclusions already debated by the Standard-Setting Committee.
27. *Speaking on behalf of the Asia and the Pacific group (ASPAG)*, a Government representative of Australia suggested a number of areas that could be improved to ensure an efficient outcome-focused Conference in 2019. First, given the number of late night sessions, it was vital to provide catering options with a variety of healthy food. Although the Serpent Bar had been open later compared to 2017, food options had been limited towards the end of the day, leading to many delegates having to make do with dinner from vending machines. That was unacceptable and, more importantly, unsustainable for productive and efficient discussions. She urged the Office to organize for at least one café, with a range of options, to be open at night in 2019, or even to consider organizing food vans outside the *Palais des Nations*.
28. Second, it was vital to ensure the safety of delegates when committees sat late into the night, given the limited transportation options available and the difficulty in organizing taxis. She congratulated the Office on the shuttle transportation of delegates between the *Palais des Nations* and the ILO during the day and suggested that a similar system could be organized

for late-night sessions. It would be very important during the 2019 session of the Conference, with the potential increase in the number of delegates.

29. Holding discussions late into the night and early morning did not help resolve difficult negotiations and was not conducive to clear thinking. Moreover, it was unacceptable practice, unproductive and unhealthy and it led to the reopening of discussions held the night before due to delegates feeling that their concerns had not been adequately addressed. She suggested implementing a strict 10 p.m. finish each night for committee discussions and improving time management overall.
30. On almost all committees, but especially the Standard-Setting Committee, there had been a number of unnecessary and inefficient delays. She encouraged all parties to respect start times and, if negotiations were essential, to keep the Chairperson, Office and other parties informed. She also encouraged the Office to consider ways to help the timeliness of committees. In contrast, she congratulated the Committee on the Application of Standards for its excellent time management; the implementation of speaking orders, strict time limits and overall efficiency had allowed lengthy and fruitful discussions, which had kept the agenda on track. While discussions and negotiations on the floor were necessary, too much time had been allocated to group meetings in the mornings and over lunch to find common positions. If the amount of time spent waiting to start had been counted, probably a whole day of discussions had been lost in total, which was unacceptable and must be resolved.
31. With regard to impasses in negotiations, small tripartite working groups, like drafting groups in the other committees, could be used to work through difficult clauses that had no consensus and halted discussion. If the tripartite groups were representative of all regions, they could leave the committee, consider the problematic wording, find compromise and consensus and present their proposed solution to the committee to consider as a whole. It would happen in parallel to the committee discussions and improve efficiency.
32. Another point for consideration would be the better use of technology.
33. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada said that IMEC had consistently provided feedback on the functioning of the Conference over the years and action had been taken in response to much of its input. In 2018, it had appreciated the user-friendly committee-specific web pages, with the timely posting of committee documents; the increasing use of technology, particularly the improved functionality of the mobile app and the screens in the meeting room for the Recurrent Discussion Committee on social dialogue and tripartism and for group coordination; the electronic voting system; continued efforts to reduce the amount of paper used; efforts to keep delegates up to date; and the adoption of all committee conclusions.
34. Further efficiencies or improvements could be realized, many of which had been mentioned by the group the previous year. Focused, concise and action-oriented outcomes of committee work were essential. The well-balanced draft texts received from the Office served as a good basis for the discussions; however, many drafts were received too late to allow for the proper management of national and collective positions. Similarly, the final list of cases in the Committee on the Application of Standards came too late to facilitate appropriate consultations with capitals. Moreover, after-hours support and safety needed attention, particularly lighting, access to unlocked exits and the provision of transport and food options. She urged the Office to look into how those issues could be addressed for late sessions.
35. Given the shorter Conference format and the number of substantive issues to be discussed, it was vital to expedite committee business by starting on time, and time limits for statements

should be strictly enforced. As delegates had to wait in front of committee rooms when group coordination meetings ended late, and stand in line to obtain country signs and find seats before every sitting, she requested that group meetings taking place in the committee rooms should end 15 minutes before the start of committee sittings.

- 36.** Clear instructions and rules on how amendments should be drafted and how the processes worked for different committees were of vital importance for delegates. In addition, the amendment process could be modernized with a view to saving paper and streamlining or facilitating the process of submitting and reviewing amendments. Consideration could also be given to the possibility of filing amendments electronically and giving the Chairperson the discretion to determine the schedule for the submission of amendments to better reflect the process of discussions and ensure that submitted amendments were relevant to the discussions that had already taken place and reflected the evolution of concerns in the committees.
- 37.** Time and noise management in the plenary sittings could be improved, especially for the Centenary session of the Conference in 2019. The increased use of recycling facilities for cups, cutlery and other disposables should be encouraged; in line with the ILO's Green Initiative, waste should be minimized during the Conference.
- 38.** IMEC was pleased with the work of the Committee on the Application of Standards, which had again fully discharged its duties in 2018 and effectively implemented many of the recommendations of the informal tripartite consultations on its working methods. Strong time management and the adoption of clear and focused conclusions in every single case deserved explicit mention. The use of an electronic board had set clear time limits, let participants know the number and names of speakers, and brought a sense of order. IMEC encouraged informal tripartite working groups on the working methods of the Committee on the Application of Standards to continue discussions to further improve its functioning. There had again been seating challenges for the Government members, and IMEC encouraged the Office to continue to consider the best format for Government seating in the committee room. IMEC expressed its serious concern about questions raised during the Committee on the Application of Standards' discussions in 2018 about the independence, impartiality and effectiveness of the ILO's supervisory system, and strongly supported a well-functioning supervisory system.
- 39.** The efficient time management of the plenary discussions of the Recurrent Discussion Committee: Social dialogue and tripartism, eliminating the need for night sittings and completing the work of the Committee one day ahead of schedule, was commendable, as was the distribution of the results of the daily drafting group session discussions, which had greatly facilitated coordination in the different groups. The agreed conclusions could be more focused in order to better guide the subsequent action plan to be developed by the Office.
- 40.** Concerning the General Discussion Committee: Effective development cooperation, there should be consistent application of the procedural rules with respect to drafting conclusions and voicing concerns through the amendment process.
- 41.** Turning to the Standard-Setting Committee: Violence and Harassment in the World of Work, she suggested that meeting rooms should not be booked back to back with coordination meetings, which should either be scheduled in another room or end 15 minutes prior to the Committee starting. IMEC was pleased that the Committee's discussions had covered the Convention and around half of the Recommendation. There had been several unnecessary breaks for informal discussions on negotiations around more contentious issues, and the Committee had sat late on a number of nights, which had been difficult for delegates and particularly for members of the Drafting Committee. It was incumbent on delegates to

keep their statements brief and concise in order to maintain a healthy working schedule. IMEC looked forward to continued work on the item, and was confident that the discussions in 2019 would conclude successfully in time for the Centenary.

42. Awareness-raising events focused on child labour during the session were welcome; thus, the side event on child labour organized under the “Generation Safe and Healthy” campaign for the World Day against Child Labour 2018 had been excellent. The information session by the Commission on the Future of Work and the briefing by the Office on plans for the Centenary year had been useful. IMEC urged the Office to provide further clarity on arrangements for the 2019 session of the Conference so that member States could prepare. IMEC commended the choice of excellent speakers and panellists for the World of Work Summit. Their insightful and inspirational interventions had contributed to a dynamic Summit session. However, questions in the future should be more focused and relevant. The long statements delivered by some delegates had shortened the time available for the panellists. IMEC appreciated the address given by President Santos Calderón of Colombia at the special plenary sitting.
43. All parties should maintain an open spirit of cooperation and continue to engage constructively in meaningful dialogue and exchanges of views. That was especially important in the context of UN reform, in the lead-up to the ILO Centenary and in demonstrating the relevance and importance of the ILO and the good functioning of tripartism.
44. *A Government representative of the Islamic Republic of Iran* requested the Office to ensure that the dates for the 108th Session of the International Labour Conference did not coincide with Ramadan, especially as it was the Centenary year. The two hectic weeks of the 107th Session of the Conference in 2018 had been difficult for participants fasting.
45. *The Chairperson* said that the Office had informed him that the dates would not coincide. It was looking at the dates and would confirm them in due course.
46. *A Government representative of India* said that member States had come to the discussion table in the Standard-Setting Committee: Violence and Harassment in the World of Work with the intention of achieving negotiation, consensus and compromise. However, those had been barely achieved, or with great difficulty, and their views had sometimes gone unheard. From the outset, India had supported the development of an efficient instrument on such a sensitive and critical issue. It would continue to endorse a Convention supported by a Recommendation. However, the scope of the instrument must be defined without ambiguity in a way that all three groups of partners in the world of work could be engaged in a positive partnership.
47. India remained committed to social dialogue and was satisfied with the outcome of the Recurrent Discussion Committee: Social dialogue and tripartism. However, the role of the Employers, especially in view of the changing size and the life cycle of enterprises, should be dealt with in more detail in such discussions and the Office report should elaborate on that further. She looked forward to the follow-up of the conclusions of the General Discussion Committee: Effective development cooperation, and congratulated the Office on a very successful side event to mark World Day against Child Labour.
48. *The Director-General* said that, at the 334th Session (November 2018) of the Governing Body, the political follow-up by the Organization to the decisions reached by the Conference would be discussed. The Working Party on the Functioning of the Governing Body and the International Labour Conference would also still be in session to discuss the logistical, practical and functional questions around the Conference. He recalled that the Governing Body had decided that the Conference would operate within the constraints of a two-week

period, on the understanding that its functioning would be kept under review. The 107th Session of the Conference had been particularly instructive, because it had been the first time that there had been a standard-setting discussion within the framework of a two-week Conference. The Office had taken careful note of the issues raised and it would come back to member States in due course with ideas on how to move forward.

## Fourth 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.333/INS/4\(Rev.\)](#))

49. *The Special Representative of the Director-General in Guatemala*, speaking on behalf of the International Labour Office and its staff, expressed his sadness, consternation and solidarity with Guatemala in the light of the recent natural disaster that had brought grief to Guatemalan families and had touched him in particular because he had the honour of serving in that country.
50. The National Tripartite Committee on Labour Relations and Freedom of Association had been established in February 2018 under Ministerial Order 45-2018 and was functioning well. The Committee was chaired on a rotating basis. It was currently chaired by the workers' sector, which, with the support of the Office of International Affairs of the Ministry of Labour and Social Welfare, was serving as a technical secretariat, which enabled the Committee to carry out its work efficiently. He thanked the Ministry for having provided the venue for the National Tripartite Committee's meetings.
51. The Office of the Special Representative of the Director-General in Guatemala would continue to support the work of the National Tripartite Committee and efforts to improve relationships between employers and workers, and between the Government, employers and workers, with a view to continuing discussions on the roadmap. With regard to the presentation of a proposal for legislative reform by the workers' sector, he said that tripartite meetings would be held on 19 and 29 June 2018 with ILO support to discuss the aspects of the reform where there was still a lack of agreement between the Government and the social partners.
52. His office would work with the Guatemalan Supreme Court and School of Judicial Studies to provide training for labour judges to enable them to become trainers on international labour standards matters and would extend that training to criminal law judges. It would also continue to hold regular meetings with the Labour Committee of the National Congress to update members of parliament on the follow-up to the discussions in the National Tripartite Committee and its subcommittees and on the status of the tripartite discussions on legislative reform.
53. Efforts were being made to respond to the commitments of the roadmap through social dialogue in Guatemala, which would cut across other labour issues as intended. The first results of social dialogue were beginning to be seen. However, it was of fundamental importance that the National Tripartite Committee and its subcommittees should ensure that

similar efforts were made in respect of other areas of the roadmap, including with regard to: the clarification of the circumstances surrounding the murders of trade unionists and the prosecution of the perpetrators; the effective enforcement of labour court rulings, in particular the reinstatement of dismissed union officials and workers who enjoyed trade union immunity; the resumption and strengthening of dialogue in the unions of the Public Prosecutor's Office and the Ministry of the Interior; and the facilitation of union registration processes and the approval of public and private sector collective agreements in the Ministry of Labour and Social Welfare.

54. The judiciary had reported that it was finalizing the preliminary draft Code of Labour Procedure. His office had reiterated the ILO's offer of technical cooperation and support in developing an instrument that would modernize labour procedures and promote compliance with labour rulings in Guatemala. His office would continue to work with the Government and the social partners on the pending issues in preparation for a tripartite mission to Guatemala in September 2018.
55. *The Worker spokesperson*, noting that the National Tripartite Committee had already contributed to strengthening tripartite social dialogue in Guatemala, urged the Government to grant legislative status to the Committee to ensure adequate resources for its functioning and guarantee its permanence. Regarding the ILO roadmap, there had been formal but not substantive progress and the systematic issues underlying the complaint under article 26 remained unresolved. For example, the incidence of violence against trade unionists and labour rights defenders had increased from 58 murders at the time of the complaint to 90 at the current time, yet despite the creation of a special investigation unit and streamlined investigation procedures, the perpetrators of those crimes remained unidentified.
56. Regarding the safety of trade unionists, the Workers remained concerned about the lack of effective or timely security measures, and the hotline created to report threats was often, discouragingly, out of service. At the judicial level, progress to protect workers dismissed for attempting to organize had been minimal; 1,950 complaints were pending for disobedience of court orders to reinstate workers dismissed as retaliation for forming unions. While – thanks to the support of the ILO and the willingness of the workers to reach a compromise – some progress had been achieved towards consensus on the presentation to the National Congress of a bill ensuring the conformity of national legislation with ILO Conventions Nos 87 and 98, based on the comments of the Committee of Experts, significant issues remained outstanding. It was hoped that the proposal relating to the bill that had been submitted by workers in Guatemala to the National Tripartite Committee would advance a consensus on the issue. An ILO mission might prove crucial in order to resolve the issue. Given the limited progress to date, she recommended deferring to the next session of the Governing Body a decision on the appointment of a commission of inquiry. The Workers' group supported the draft decision.
57. *The Employer spokesperson* noted with appreciation the information presented by the Government of Guatemala and by the Special Representative of the Director-General and commended the participation at the session of representatives of the three branches of government as evidence of its commitment. He noted with interest that the National Tripartite Committee had been established and was functioning, and that other elements of the roadmap, in particular the recommended legal reforms and participation of social actors in the Government, had partially advanced, giving hope that the workers, the employers and the Government would soon agree on a proposal for presentation to the National Congress. The National Tripartite Committee was a mechanism of social dialogue and if social actors and the Government proactively participated in it, solutions could be found to the problems underlying the present complaint, allowing the procedure to be concluded at the November 2018 session of the Governing Body. He commended the efforts of the Special Representative of the Director-General and of other ILO officials, and the cooperation of



colleagues from the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE). The Employers' group supported the draft decision.

58. *The Chairperson* reiterated the Governing Body's solidarity with and support for the people of Guatemala following the devastating natural disaster that they had just experienced.
59. *A Government representative of Guatemala* expressed her sincere appreciation for the expressions of solidarity with Guatemala in the light of the terrible events following the eruption of the El Fuego Volcano. She drew attention to the presence of a high-level delegation representing its three branches of government, which demonstrated Guatemala's determination to honour its ILO commitments. With reference to the comments of the Worker spokesperson, she noted that, regarding Bill No. 5199, it had received its first reading in October 2017 and its second reading in May 2018, while its third reading was pending, allowing time for the social partners to reach consensus, and that the proposal relating to the draft legislation on the National Tripartite Committee that had been submitted by the workers to the Subcommittee on Labour Law and Policy in May 2018 had been scheduled for tripartite discussion as soon as possible.
60. Profound structural changes were being implemented in Guatemala, including by the Ministry of Labour and Social Protection, to address the loss of human life resulting from violence. Regular meetings were being held with the Public Prosecutor's Office and the Ministry of the Interior to ensure inter-institutional coordination. The unfortunate death of a trade unionist in May 2018 was under investigation by the Special Investigation Unit for Crimes against Trade Unionists. The fatalities of non-trade-unionists were subject to investigation by a different authority, hence it is not appropriate to address them in this Organization. Regarding key indicator 1 of the roadmap, 60 per cent of the cases involving the murder of trade unionists were at the investigation stage. There was expected to be an increase of 13 per cent in the number of convictions handed down in relation to those cases in 2018 and 15 per cent of them had been referred to the International Commission against Impunity in Guatemala.
61. She noted further that: the National Tripartite Committee had just submitted a report for the first time in the history of Guatemala that had been prepared and agreed upon by the tripartite constituents; the judiciary had taken the lead in the preparation of the Code of Labour Procedure, which was in the final stages of revision and its content would be disseminated among the constituents as soon as possible, thereby clearly exceeding the provisions of key indicator 5 of the roadmap; and in accordance with its constitutional mandate and the Organic Law on the National Congress, the National Congress had urged the social partners to continue to hold a dialogue with a view to reaching consensus on a proposal concerning the right to organize and the modalities for declaring strikes, and in that regard many meetings had been held between the Labour Committee of the National Congress and the constituents.
62. A dramatic shift had occurred in the labour dynamics of Guatemala, where in the coming months an electoral process will be launched in the legislative and executive branches. A technical and financial assistance programme would be needed to facilitate the handover of obligations to the new authorities and to ensure the strengthening of tripartite social dialogue. The progress made by all stakeholders involved in implementing the roadmap, as reflected in the draft decision, should generate the necessary trust among the constituents to close the complaint and, as provided for in the 2017 national tripartite agreement, submit annual reports to the Governing Body until 2020.
63. Finally, while reiterating the commitment and goodwill of the three branches of the Government of Guatemala to advance national and international legislation on labour rights and the generation of decent work and of inclusive and sustainable economic growth, she

urged the constituents to work together transparently, in good faith, responsibly and objectively, in order to achieve consensus on improvements to the conditions of Guatemalan workers.

- 64.** *Speaking on behalf of GRULAC*, a Government representative of Brazil commended the participation of representatives of the three branches of the Government of Guatemala and welcomed the information that had been provided. In particular, he welcomed the establishment and functioning of the National Tripartite Committee and noted with satisfaction that the Committee provided a forum for social dialogue and had enabled progress regarding all the indicators of the roadmap, as well as confidence in the achievement of sustainable solutions and the full implementation of ILO Conventions in Guatemala. GRULAC also commended the openness and goodwill of the Government as demonstrated by, among other measures, the presentation of the report of the National Tripartite Committee to the Governing Body and the creation of special mechanisms for the implementation of Convention No. 87, which in some respects went beyond the indicators of the roadmap. He noted with satisfaction the Government's actions to implement the 2017 national tripartite agreement and urged the social partners to reach consensus on the two pending items on legislative reform.
- 65.** GRULAC welcomed the imminent tripartite mission to Guatemala with the participation of the ILO, the IOE and the ITUC, and commended the ongoing efforts of, and existing agreements between, the Government and the social partners, and the provision for the National Tripartite Committee to submit annual reports to the Governing Body until 2020 on the implementation of the roadmap. It was confident that the roadmap would continue to be implemented as measured by all its indicators and that, with the technical and financial support of the ILO, the IOE, the ITUC and the international community, the National Tripartite Committee would develop satisfactory labour and trade union relationships. For those reasons, GRULAC considered that the time had come to close the complaint.
- 66.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Bulgaria said that the candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, and the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina aligned themselves with the statement. Recalling the association agreement between the EU and Central America, in which the parties had made a commitment to ensure respect for the fundamental ILO Conventions, she welcomed the continued progress in Guatemala on social dialogue and the establishment of the National Tripartite Committee. The Government and the social partners were encouraged to advance their negotiations so as to be able to present to the National Congress a bill ensuring the conformity of national legislation with Convention No. 87. It was hoped that Guatemala would report back to the Governing Body at its November 2018 session that all pending issues had been addressed. Efforts should be upheld to fully implement the roadmap, in particular with regard to the protection of union officials and investigations of trade union murders, including the persecution of perpetrators.
- 67.** The work of the Special Representative of the Director-General in Guatemala in support of social dialogue was to be commended and the EU would continue to provide support for compliance with ILO Conventions and thereby contribute to sustainable development, in particular the implementation of SDG 8. The EU supported the draft decision.
- 68.** *A Government representative of the United States* commended the progress made towards addressing the issues raised in the complaint, including the work of the National Tripartite Committee to achieve full compliance with the roadmap. He urged the Government, in collaboration with the social partners within the framework of the National Tripartite Committee, to enact legislation as soon as possible to institutionalize the Committee and thereby ensure that it was granted the appropriate resources. Referring to key indicator 4 of

the roadmap, he called on the social partners within the framework of the National Tripartite Committee and with the support of the ILO to intensify their efforts to find common ground so that consensus legislation could be submitted to the National Congress and enacted as soon as possible. He regretted the lack of progress towards meeting key indicator 5 and noted the need to expedite the prosecution of cases of non-compliance with reinstatement orders for workers who had been the victims of anti-union dismissals, given that more 2,000 referrals were currently under investigation. Noting that the reasons for the delay and information about the general labour inspectorate had not been provided, he said that the Government should provide the necessary resources to the inspectorate and seek ILO technical assistance to address implementation challenges. The Government should also provide protection to trade unionists who were under threat and expedite the prosecution of the perpetrators of trade union murders, sharing information with trade unions on progress made as previously agreed. The United States supported the draft decision.

## Decisions

- 69. *In view of the information communicated by the Government and the trade unions of Guatemala and the short period of time elapsed since the 332nd Session of the Governing Body (March 2018), and taking note, on the one hand, of the considerable progress achieved, in particular in the establishment and functioning of the National Tripartite Committee on Labour Relations and Freedom of Association and, on the other hand, of the areas of the roadmap that still require urgent attention, on the recommendation of its Officers, the Governing Body:***
- (a) acknowledged the progress reached and urged the Government and the Guatemalan social partners, with the support of the International Organisation of Employers and the International Trade Union Confederation, and the technical assistance of the Office and of its representative in Guatemala, to continue the ongoing discussions with a view to submitting to the National Congress for approval a legislative proposal in full compliance with point 5 of the roadmap;***
  - (b) urged the Government, together with the Guatemalan social partners, and with the technical assistance of the Office and of its representative in Guatemala, to continue to devote all the efforts and resources necessary to achieve the complete implementation of the other aspects of the national agreement aimed at settling the unresolved matters in the complaint and the roadmap;***
  - (c) requested the Office to develop a comprehensive technical assistance programme to support the National Tripartite Committee on Labour Relations and Freedom of Association and help settle the unresolved matters;***
  - (d) welcomed the agreement for a tripartite mission to observe progress and make recommendations with a view to ensuring that the commitment included in the roadmap, particularly the amendments to the Labour Code, are taken into consideration in accordance with the national tripartite agreement reached in November 2017;***
  - (e) encouraged the international community to contribute to the abovementioned technical assistance programme by providing the necessary resources; and***

- (f) trusts that the required progress in all the areas above will allow closure at its 334th Session (October–November 2018) of the procedure initiated under article 26 of the ILO Constitution.*

(GB.333/INS/4(Rev.), paragraph 38.)

## Financial implications

- 70. The Governing Body decided that the cost of the tripartite mission, estimated at US\$32,000, would 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 subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

## Fifth item on the agenda

### Revised proposed form for reports to be requested under article 19 of the ILO Constitution in 2019

([GB.333/INS/5\(Rev.\)](#))

- 71. The Employer spokesperson* noted with appreciation the revised form proposed by the Office for reports to be requested under article 19 of the ILO Constitution in 2019, which used clear, appropriate and precise terminology to reflect the provisions of the listed instruments and formulated the questions in a way that reflected the fact that in some cases the instruments had not been ratified and therefore implementation was not mandatory. The Employers' group supported the draft decision.
- 72. The Worker spokesperson* thanked the Office for its work on the revised proposed report form. Her group supported the draft decision.
- 73. Speaking on behalf of the Africa group*, a Government representative of Cameroon noted with appreciation that the revised proposed report form reflected the comments that had been made at the Governing Body session in March 2018 and incorporated the amendments that had been proposed to improve the questionnaire. The revised version included questions that reflected the instruments under review and the changing world of work.

## Decision

*74. The Governing Body:*

- (a) requested governments to submit reports for 2019, under article 19 of the Constitution, on the instruments listed in paragraph 3 of document GB.332/LILS/3; and*
- (b) approved the report form concerning those instruments set out in the appendix to document GB.333/INS/5(Rev.).*

(GB.333/INS/5(Rev.), paragraph 2.)

## Sixth item on the agenda

### Reports of the Committee on Freedom of Association

([GB.333/INS/6/1](#), [GB.333/INS/6/1\(Add.\)](#),  
[GB.333/INS/6/2](#) and [GB.333/INS/6/3](#))

75. *The Chairperson* recalled that the consideration of the reports had been deferred from the previous session.
76. *The Chairperson of the Committee on Freedom of Association*, referring to the 384th Report, recalled that, at its meeting in March 2018, the Committee had examined 23 of the 176 pending cases on the merits. Noting that the urgent appeals issued by the Committee for Governments to provide the information required had resulted in replies being provided by all but one Government (Afghanistan), he reiterated the need for Governments to provide full information regarding allegations under investigation. The Committee had examined eight cases in which Governments had kept it informed about measures taken to give effect to its recommendations and had concluded its examinations with respect to five of them: Cambodia, El Salvador, Mexico, Peru and the Bolivian Republic of Venezuela.
77. Regarding Case No. 3203 (Bangladesh), a serious and urgent case involving allegations of systematic violation of freedom of association, the public hostility of the Government towards trade unions and non-compliance of the draft export processing zone law with the principle of freedom of association, the Committee had requested the Government to ensure the full investigation of all allegations, to provide comprehensive training for police in respect of freedom of association, and to report to the Committee on the outcome of trials regarding the murder of a trade unionist in 2012.
78. Regarding the 385th Report, he recalled that, following a decision taken by the Governing Body at its 291st Session, the Committee had in March 2018 also further reviewed the measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry; it had welcomed the Government's collaboration with the ILO on training activities, but regretted that no information had been provided on the measures taken to address the substantive part of its previous recommendations, and had urged the Government to consider, within the framework of the tripartite council, the measures necessary to ensure the legal registration of trade unions and to amend Decree No. 24 and the Law on Mass Activities. Given the amount of time that had elapsed since its initial consideration of the case, the Committee had requested the Government to provide detailed information on all the matters raised, including the recently received allegations of mass investigations of trade unionists and seizure of trade union documents.
79. The Committee's annual report for 2017 provided for the first time an annual overview of the procedure and use of the Committee, supported by statistical and other data on the work undertaken and progress made. The statistical information compiled on cases considered in 2017 would provide a baseline for comparisons in future annual reports. The report also reviewed the Committee's discussions of its working methods and referred to the compilation of its decisions, which was available online for the first time via the web page of the International Labour Standards Department and would be published shortly in hard copy as well.
80. Regarding the 386th Report, he recalled that in May–June 2018, the Committee had examined 23 of the 183 pending cases on the merits. It had still not yet received complete observations from the Governments of Brazil, Cambodia, El Salvador, Liberia, Madagascar, Republic of Maldives, Mozambique, Peru and Somalia, and it had appealed to them to

urgently submit their observations, reiterating the importance of timely submission of replies and setting a deadline of 1 October 2018 for receiving information for consideration at its next session. The Committee had examined eight cases in which governments had kept it informed about the measures taken to give effect to its recommendations and had concluded its examination with respect to four of them: Costa Rica, Japan, Paraguay and Peru.

- 81.** Regarding a serious and urgent case concerning Guatemala in relation to allegations of murder, death threats and acts of violence against trade unionists, which had been under consideration for more than ten years, the Committee welcomed the judgment on the case revealing motives not related to union activity, but regretted that the delayed submission of that information had not enabled it to conclude its examination earlier and urged the Government to continue to ensure that all perpetrators and instigators of the murder were identified and the guilty parties prosecuted and punished.
- 82.** At the 106th Session of the International Labour Conference, members of the Committee had held a constructive meeting with the delegations of Burundi, Pakistan and the Democratic Republic of the Congo to discuss the difficulties faced by governments in providing full information to the Committee for its detailed examination. In addition, the Committee had been pleased to learn of the release of the former General Secretary of the Korean Confederation of Trade Unions, who had been the subject of a case examined in October 2017. The Chairperson concluded by expressing his appreciation for the trust and confidence placed in him and the expert and dedicated support provided by the Office.
- 83.** *The spokesperson for the Employer members of the Committee* noted that substantial progress had been made in the discussion of the Committee's working methods and the Employers remained highly engaged in the process, which had resulted in detailed proposals for improvements with the aim of increasing the transparency, credibility and impact of decisions taken. During the discussion, the Committee had reviewed ways to reduce the high number of complaints it received from Latin American countries about issues that could be resolved by national dispute settlement mechanisms. A complaints form could help to encourage the use of national procedures and thereby reduce the workload of the Committee and facilitate a more efficient and effective examination of cases. Outstanding issues for discussion included improved follow-up to the Committee's recommendations.
- 84.** He recalled that the Committee's mandate was derived from the constitutional principle of freedom of association and the effective recognition of the right to collective bargaining, which allowed it to examine complaints from any member State, regardless of whether or not it had ratified the relevant ILO Conventions.
- 85.** The ILO Centenary provided an opportunity to highlight the importance of freedom of association and tripartism and to give more visibility to the work of the Committee. The Employers' group had proposed the dissemination of information on the core principles of the right to freedom of association and the effective recognition of the right to collective bargaining and would present further proposals for the future consideration of the Committee.
- 86.** He thanked the Office for having taken on board some of the Employers' proposals with regard to the methodology used to prepare the compilation of decisions and for the user-friendly design of the database, which permitted a keyword search of the conclusions and recommendations.
- 87.** He recalled that, at the March 2018 session of the Committee, 23 active cases had been covered in depth, ten of which had concluded with definitive reports that had closed the cases. In addition, 13 cases had been followed up, six of which had been closed as mentioned previously. At the May–June 2018 session, 22 cases had been analysed in depth as well as

eight cases in follow-up, six of which had been closed. The Committee expected a prompt response and a quick solution from the Government regarding the serious and urgent Case No. 3203 (Bangladesh).

88. Regarding Case No. 3226 (Mexico) examined at the March 2018 session, the Government had indicated that there were numerous violent undemocratic and even criminal actions and the Committee had concluded and recommended that the right to strike was not an absolute right and that the actions alleged by the Government, such as the use of violence, sabotage, damage to public property and putting public safety at serious risk, if in fact carried out, would go beyond the limits of its protection.
89. Regarding Case No. 3244 (Nepal) examined at the March 2018 session, the Committee had again concluded that the right to strike was not an absolute right and had its limitations. Regarding Case No. 3237 (Republic of Korea) examined at the May–June 2018 session, the Committee had recalled that when a service affected by a strike was of great importance for the national economy, the establishment of minimum services was justified even though the replacement of the worker during the strike was unjustified. Regarding the recommendations made in relation to Cases Nos 2177 and 2183 (Japan) examined at the March 2018 session, he recalled that the support of the citizens and the national parliament were critical and the best use of national mechanisms should be made to resolve complaints. Finally, he said that the governments who had been asked to submit information should do so before 1 October 2018 in time for the Committee’s next session, to be held in October–November 2018.
90. *The spokesperson for the Worker members of the Committee* recalled that the mandate of the Committee consisted of determining whether any given legislation or practice complied with the principles of freedom of association and collective bargaining laid down in the relevant Conventions, whether or not the country under review had ratified the Conventions concerned. Those principles were part of the rules of procedure of the Committee, as most recently approved by the Governing Body in 2006 and 2009. In the last four years, the Committee had worked hard to improve its procedures in line with the decisions taken under the Standards Initiative and had proposed important improvements, such as the annual report to be presented by the Chairperson to the Committee on the Application of Standards, with a view to improving the visibility and complementarity of procedures between the two Committees and better follow-up of cases referred by the Committee of Experts on the Application of Conventions and Recommendations.
91. Regarding Case No. 3203 (Bangladesh) examined in May–June 2017, concerning allegations of systematic violation of freedom of association, the public hostility of the Government towards trade unions and non-compliance of the draft export processing zone law with the principle of freedom of association, the Government had not provided any concrete information on the judicial proceedings related to allegations of anti-union retaliation that were ongoing in the case. In addition, despite the detailed account provided in the original complaint, the Government had denied any record of arrests of trade unionists for participation in trade union activities. The Government should ensure that all anti-union acts alleged to have been perpetrated by the police were fully investigated to avoid their repetition, and the ongoing trial for the 2012 murder of a trade unionist should be concluded without further delay. For the Workers, the case also demonstrated that the industrial environment was very hostile towards trade unionists and freedom of association.
92. Regarding Case No. 3263 (Bangladesh), the allegations of serious violations of freedom of association rights by the Government had raised serious concerns about the environment for the free exercise of trade union rights. Fundamental rights, in particular those relating to human life and personal safety, should be fully respected and guaranteed. Regarding Case No. 3227 (Republic of Korea), the numerous allegations of acts of anti-union discrimination,

harassment and employer interference with internal trade union affairs were cause for grave concern.

93. Regarding Case No. 2445 (Guatemala), which had previously been examined at the March 2017 session but had originated in 2005, the Workers' group expressed the firm expectation that the commitment made by the Government under the roadmap adopted in October 2013 was part of the follow-up to the complaint made under article 26 of the ILO Constitution. Finally, regarding the measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry, he noted that several issues had been raised by the Commission of Inquiry but not yet fully addressed, in particular with regard to amending Decree No. 24 and the Law on Mass Activities, in collaboration with the social partners. He called on the Governing Body to adopt the Committee's recommendations in that respect and urged the Government of Belarus to implement them.
94. *The spokesperson for the Government members of the Committee* noted the climate of understanding and desire for consensus which had led to a successful outcome at the last two sessions of the Committee, regarding both the analysis of cases and the recurrent discussion of working methods. He noted with satisfaction that the work on the compilation of the Committee's decisions – including an online version – had been finalized. He hoped that the Committee's first annual report to the Committee on the Application of Standards and to the Governing Body would be a first interface between the Committee and the other supervisory bodies.
95. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that GRULAC remained committed to the objectives of the Committee on Freedom of Association, as enshrined in the ILO Constitution. It was greatly concerned that, according to the Committee's 383rd Report, adopted by the Governing Body in November 2017, 128 (71.1 per cent) of the 180 cases submitted to the Committee concerned Latin American countries, while according to the more recent 386th Report, 142 (77.5 per cent) of the 183 cases submitted concerned Latin American countries, including nine (81.8 per cent) of the 11 new cases. Similarly, 458 (67 per cent) of a total of 684 cases submitted in the decade 2008–17 concerned Latin American countries.
96. The continued reform of the standards supervisory system was called for, while the role of the subcommittee remained important in conducting preliminary reviews and prioritizing the most urgent and serious cases. GRULAC reiterated the need to establish clear and objective criteria of admissibility, without prejudice to existing labour rights, in order to expedite the examination of cases and submissions of responses by the Committee and its constituents. In addition, the improved classification of cases was needed to make it clear when a case was definitively closed. Constituents had the right to count on juridical certainty and a clear understanding of the validity of a case and whether it was "shelved" or "closed" and what the implications were of each category. Encouraged by the high levels of ratification of ILO Conventions and ratifications in the region, GRULAC reiterated its strong commitment to freedom of association and the right to organize within the framework of tripartite social dialogue, as well as to upholding the necessary guarantees for workers' and employers' organizations to fully exercise their rights. To increase the legitimacy of those processes, a more balanced, rigorous, transparent and objective approach was needed, avoiding politicization and drawing on the reformed governance of the ILO. GRULAC noted that it was a conceptual anomaly to use the term "decision" for the compilation of outcomes of the Committee, because history had shown them to be non-binding recommendations, and it hoped that the concerns it had raised repeatedly would be taken into account in future reports.
97. *A Government representative of Bangladesh* noted that progress had been made in ensuring freedom of association in his country, by the Government in collaboration with the social partners and the ILO, resulting in improvements such as the updating of labour rules,



including by incorporating provisions for labour inspections, and the negotiated settlement of 27 out of 50 anti-discrimination cases. The murder investigation mentioned in the context of Case No. 3203 had concluded with the conviction of the perpetrator. Basic police training covered human rights, fundamental rights, constitutional rights and civil liberties training, while specialized training for industrial police had steadily increased since 2011 to reach a total of 5,694 participants.

98. *A Government representative of Algeria* commented on the Committee's recommendations in paragraph 120 of the 386th Report, relating to Case No. 3210 (Algeria). As had been reported by her Government both orally and in writing to the Committee on the Application of Standards during the 107th Session of the International Labour Conference, the Autonomous National Union of Electricity and Gas Workers (SNATEGS) had been registered in 2013 but had voluntarily dissolved itself according to its own statute and in accordance with the relevant legislation. The case involving Mr Boukhalfa and the enterprise was ongoing and its outcome would be reported to the Committee. Regarding the complaint allegedly brought by Mr Boukhalfa against Mr Mellal, she emphasized that her Government had always respected the principles of impartiality and non-interference in the business of trade unions. It would keep the Committee informed of the legislative outcome in respect of Ms Benmaiche. Regarding the reinstatement of dismissed workers, she said that her Government would inform the Committee of the outcome. Her Government had accepted the direct contacts mission and the Minister of Labour had offered to facilitate its work, for which terms agreeable to both parties had been established.
99. *A Government representative of Cuba* rejected the Committee's recommendations on Case No. 3271 and expressed the hope that it would in the future review the information provided objectively, noting that his Government had provided timely information to demonstrate that the allegations of supposed violations of trade union freedoms were absolutely false and based on fabricated arguments. The Committee had failed to take into account Articles 2, 8 and 10 of Convention No. 87 and Article 3 of Convention No. 135, under which the Conventions restricted their protections to workers and employers, their representatives, legally established unions and organizations whose purpose was to defend workers' interests, since the organization which had made the false accusations against Cuba did not consist of workers or employers or of their elected or designated representatives, was not legal and did not defend workers' interests. Without prejudice to future positions it might take on the case, his Government wished to note that freedom of association and the right to organize were recognized in Cuban labour legislation, without restrictions from other legal sources, and that unions were recognized by the State in the various economic sectors, in keeping with the provisions of Conventions Nos 87 and 98. There was no legal impediment to calling a strike and there was no obligation to explicitly include the right to strike in legislation, which should correspond to the specific internal conditions of each State.

## Decisions

### **384th Report of the Committee on Freedom of Association (GB.333/INS/6/1)**

100. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–63, and adopted the recommendations made in paragraphs: 98 (Cases Nos 3078 and 3220: Argentina); 128 (Case No. 3229: Argentina); 145 (Case No. 3203: Bangladesh); 169 (Case No. 3263: Bangladesh); 188 (Case No. 3276: Cabo Verde); 210 (Case No. 3214: Chile); 232 (Case No. 3144: Colombia); 249 (Case No. 3067: Democratic Republic of the Congo);*

*285 (Case No. 3227: Republic of Korea); 329 (Case No. 3262: Republic of Korea); 345 (Case No. 3094: Guatemala); 361 (Case No. 3152: Honduras); 387 (Case No. 3202: Liberia); 408 (Case No. 3205: Mexico); 435 (Case No. 3244: Nepal); 454 (Case No. 3168: Peru); 472 (Case No. 3174: Peru); 493 (Case No. 3204: Peru); 526 (Case No. 3209: Senegal); 547 (Case No. 3240: Tunisia); 564 (Case No. 3016: Bolivarian Republic of Venezuela); and 574 (Case No. 3187: Bolivarian Republic of Venezuela), and adopted the 384th Report of its Committee on Freedom of Association as a whole.*

(GB.333/INS/6/1.)

**Presentation of the Committee on Freedom of Association 2017 – Annual report**

(GB.333/INS/6/1(Add.))

- 101. The Governing Body took note of the first annual report of the Committee on Freedom of Association.*

(GB.333/INS/6/1(Add.), paragraph 4.)

**385th Report – Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry**

(GB.333/INS/6/2)

- 102. The Governing Body adopted the recommendations of the Committee on Freedom of Association contained in paragraph 20 of the Report, and adopted the 385th Report of the Committee in its entirety.*

(GB.333/INS/6/2.)

**386th Report of the Committee on Freedom of Association**

(GB.333/INS/6/3)

- 103. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–68, and adopted the recommendations made in paragraphs: 85 (Case No. 3269: Afghanistan); 120 (Case No. 3210: Algeria); 133 (Case No. 3219: Brazil); 148 (Case No. 3273: Brazil); 159 (Case No. 3183: Burundi); 213 (Case No. 3237: Republic of Korea); 242 (Case No. 3271: Cuba); 259 (Case No. 3194: El Salvador); 270 (Case No. 3255: El Salvador); 296 (Case No. 3256: El Salvador); 314 (Case No. 2445: Guatemala); 340 (Case No. 3188: Guatemala); 352 (Case No. 3249: Haiti); 378 (Case No. 3268: Honduras); 423 (Cases Nos 2177 and 2183: Japan); 474 (Case No. 3283: Kazakhstan); 489 (Case No. 3226: Mexico); 501 (Case No. 3235: Mexico); 513 (Case No. 2902: Pakistan); 530 (Case No. 3289: Pakistan); 552 (Case No. 3127: Paraguay); and 588 (Case No. 3242: Paraguay), and adopted the 386th Report of its Committee on Freedom of Association as a whole.*

(GB.333/INS/6/3.)

## Seventh item on the agenda

### Report of the Director-General

**First Supplementary Report: Composition of the Commission of Inquiry appointed to consider the 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), made under article 26 of the ILO Constitution by several delegates to the 104th Session (2015) of the International Labour Conference**  
([GB.333/INS/7/1](#))

104. *The Employer spokesperson* said that his group could accept the appointment of the three persons nominated by the Director-General to form the Commission of Inquiry.
105. *The Worker spokesperson* said that her group could also accept the proposals made in the document under discussion and agreed with the draft decision in paragraph 3.
106. *A Government representative of the Bolivarian Republic of Venezuela* confirmed his country's rejection of the Governing Body's decision at its previous session to appoint a Commission of Inquiry, irrespective of its composition. That decision had been flawed procedurally and not supported by a tripartite consensus. It was regrettable that the Governing Body had yielded to the political interests of certain members, whose actions compromised the transparency and objectivity of the Organization. His Government was still committed to constructive and sincere dialogue. He stressed that regardless of the fact that a Commission of Inquiry was not a punitive measure, his Government considered that such mechanism would undermine the channels of dialogue it had opened with the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), and which had been further enhanced following the recent re-election of President Maduro.

### Decision

107. *The Governing Body appointed the persons listed in paragraph 2 of document GB.333/INS/7/1 to serve on the Commission of Inquiry.*

(GB.333/INS/7/1, paragraph 3.)

## Second Supplementary Report: Process for the preparation of the Programme and Budget for 2020–21 ([GB.333/INS/7/2](#))

108. *The Worker spokesperson* agreed with the secretariat's proposal to adjust the standard arrangements for the preparation of the Programme and Budget proposals for 2020–21 as permitted by articles 15 and 16 of the Financial Regulations, but emphasized that such derogation should remain exceptional. Her group nevertheless acknowledged that the proposed approach and timing meant that the process would be labour intensive at a time when the Office would also be preparing the Implementation report for the March 2020 session of the Governing Body. The group could approve the draft decision in paragraph 11.
109. *The Employer spokesperson* endorsed the comments of the previous speaker.
110. *Speaking on behalf of the Africa group*, a Government representative of South Africa thanked the Office for having proactively devised an alternative method for developing the ILO's programme and budget for the 2020–21 biennium to facilitate discussion of the Future of Work Initiative in 2019. The Africa group did not envisage any challenges to the proposed departure from standard procedure and supported the draft decision in paragraph 11.
111. A Government representative of Brazil, *speaking on behalf of GRULAC*, said that the secretariat's proposed approach was reasonable, to the extent that it would facilitate speedier and more effective outcomes from the Centenary session of the Conference. Given the exceptional nature of the proposed arrangements, it was essential that the Office should keep members and constituents closely informed of the 2020–21 budget preparations, so that well-informed decisions on the budget could be taken at both the Centenary session of the Conference and the November 2019 session of the Governing Body.

### Decision

112. *The Governing Body approved the process for preparing the Programme and Budget for 2020–21 as set out in paragraphs 6–10 of document GB.333/INS/7/2.*

(GB.333/INS/7/2, paragraph 11.)

## Third Supplementary Report: Composition of the Committee on Freedom of Association ([GB.333/INS/7/3](#))

113. *The Worker spokesperson* welcomed Ms Amanda Brown as Worker regular member of the Committee on Freedom of Association and informed the Governing Body that, during the 107th Session of the International Labour Conference, which had just concluded, Ms Ged Kearney, Worker regular member of the Governing Body and substitute Worker member of the Committee, had resigned following her election to the Federal Parliament of Australia. Having since endorsed Mr Richard Wagstaff, President of the New Zealand Council of Trade Unions, as her replacement in the Committee in the capacity of regular Worker member, the Workers' group proposed that the Governing Body should amend the decision point in paragraph 3 accordingly, so that the Committee could proceed immediately at full strength.

## Decision

114. *The Governing Body appointed Ms Amanda Brown (United Kingdom), Worker deputy member of the Governing Body, and Mr Richard Wagstaff (New Zealand) as Worker regular members of the Committee on Freedom of Association for the remainder of the period of office of the Governing Body for 2017–20, in replacement of Mr Kelly Ross (United States) and Ms Ged Kearney (Australia), respectively.*

(GB.333/INS/7/3, paragraph 3, as amended by the Governing Body.)

## Eighth item on the agenda

### Reports of the Officers of the Governing Body

#### **First report: Decision on the follow-up to the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), made under article 24 of the ILO Constitution by the College of Teachers of Chile AG**

(GB.333/INS/8/1)

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

## Decision

115. *In the light of the information presented in document GB.333/INS/8/1, and taking into consideration the recommendation of its Officers, the Governing Body decided to:*

- (a) postpone once again the appointment of the committee charged with examining the new representation pending further examination by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) of the follow-up given to the recommendations previously adopted by the Governing Body;*
- (b) invite the CEACR to examine at its 2019 session the application by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and*
- (c) invite the Government of Chile to provide the CEACR with further information on the issues raised in document GB.333/INS/8/1 with regard to the application of Convention No. 187, to be examined by the CEACR at its 90th Session (November–December 2019).*

(GB.333/INS/8/1, paragraph 7.)

**Second report: Decision concerning the representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Nepal Telecom Employees' Union (NTEU) (GB.333/INS/8/2)**

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

**Decision**

116. *In the light of the information contained in document GB.333/INS/8/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.333/INS/8/2, paragraph 7).

**Third report: Decision concerning the representation alleging non-observance by Colombia of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the General Confederation of Labour (CGT), the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the National Association of Ecopetrol Retirees (ANPE2010) (GB.333/INS/8/3)**

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

**Decision**

117. *In the light of the information contained in document GB.333/INS/8/3, and on the recommendation of its Officers, the Governing Body decided:*

- (a) that the representation was receivable;*
- (b) taking into account that the allegations submitted by the complainant organizations were being examined by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and that the Government had been requested to send a report in 2018 on this matter, to transmit the communication sent under article 24 to the CEACR for the full examination of these allegations during its 2018 session; and*

- (c) *to resume its consideration of the matter based on the outcome of the CEACR's examination.*

(GB.333/INS/8/3, paragraph 6.)

**Fourth report: Decision concerning the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Action Workers' Union Confederation (Aksiyon Is)**  
(GB.333/INS/8/4)

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

## Decision

118. *In the light of the information contained in document GB.333/INS/8/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that:*
- (a) *the representation was receivable; and*
  - (b) *it should be examined in conformity with the decision to be made at its 334th Session (October–November 2018) regarding the operation of the article 24 procedure in the context of its consideration of the agenda item “Standards Initiative: Implementing the workplan for strengthening the supervisory system”.*

(GB.333/INS/8/4, paragraph 7.)

**Fifth report: Appointment of the Chairperson of the Committee on Freedom of Association**  
(GB.333/INS/8/5)

119. *The Worker spokesperson* expressed support for the appointment of Professor Kalula and wished him success in his very important new role. She thanked Mr Teramoto for having very ably chaired the Committee on the Freedom of Association over the past year.
120. *The Employer spokesperson* expressed appreciation to Mr Teramoto for his commitment, in the spirit of dialogue and cooperation, to the Committee on Freedom of Association over many years, including the past year as acting Chairperson. The Employer members of the Committee looked forward to working over the next two years with Professor Kalula on the very long list of cases still pending before the Committee.

121. *The Chairperson* expressed the respect and gratitude of the Governing Body and all members of the Committee on Freedom of Association to Mr Teramoto for the openness, impartiality, spirit of dialogue and professionalism with which he had conducted the Committee's meetings over the past year.

## Decision

122. *On the recommendation of its Officers, the Governing Body appointed Professor Evance Rabban Kalula as Chairperson of the Committee on Freedom of Association, until the expiry in June 2020 of the term of office of the current Governing Body.*

(GB.333/INS/8/5, paragraph 4.)

## Ninth item on the agenda

### Programme, composition and agenda of standing bodies and meetings ([GB.333/INS/9](#))

#### Part I. Composition and agenda of standing bodies and meetings

##### Meeting on cross-border social dialogue (Geneva, first quarter of 2019)

123. *The Worker spokesperson* recalled the commitment that had been made, in the context of the follow-up to the resolution adopted by the International Labour Conference at its 105th Session (2016) concerning decent work in global supply chains, to hold a tripartite meeting of experts on export processing zones (which had taken place in November 2017) and tripartite meetings in 2018 on cross-border social dialogue and in 2019 on governance in global supply chains. For logistical reasons, it had not been possible to find dates in the last quarter of 2018 that suited all three groups for the meeting on cross-border social dialogue. The current proposal, which met with the agreement of the social partners, was for that meeting to be held in the second week of February 2019, to be followed by a meeting in November 2019 on the more general topic of global supply chains. However, there had been some difficulty in reaching agreement on the format of the February meeting. The preference of the social partners was for a tripartite expert meeting, with equal numbers of representatives of the three groups, rather than the technical meeting open to all governments that was favoured by the Government group.
124. The social partners felt that an expert meeting offered the advantages of tripartite balance, although they were willing to show some flexibility in that respect. To allow additional representation for the Governments, they were prepared to countenance a format similar to that of meetings held under the Standards Review Mechanism, namely with eight representatives each for the Workers, Employers and the Governments, with four advisers from each side. In addition, observers would be allowed to take the floor at the beginning of the session.



125. To avoid any suggestion that such an arrangement might set a precedent for future meetings, given the ongoing debate on the rules and formats of such meetings, and to ensure thorough preparation, she emphasized that the intention was for the Standards Review Mechanism model to apply only to the February meeting. She welcomed the Government side's increased interest in the matters under discussion, but stressed that balanced tripartite participation was the best way to ensure balanced negotiations and outcomes.
126. *The Employer spokesperson*, after associating himself with the statement just made, emphasized that the social partners' agreement on the format of 8–8–8 group representation plus 4–4–4 adviser representation already constituted a considerable joint attempt to meet the Governments' preference for advisers, since the partners' initial position had been that experts did not, by definition, require advisers. Secondly, he recalled that while the Governing Body had requested in 2016 the Office to organize a meeting on cross-border social dialogue to address decent work in global supply chains, including human rights due diligence, that meeting should keep the framing and focus of the conclusions concerning the recurrent discussion on social dialogue at the 102nd Session (2013) of the Conference.
127. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea stressed that the cross-border social dialogue agenda was crucial to the ILO's future work, in particular its implementation of the 2016 conclusions. His group firmly agreed with the Office's proposal for a meeting in the first quarter of 2019. Its format was inevitably closely linked to the discussion on the standing orders for meetings, and should thus be decided only when the Governing Body had established a tripartite consensus on the new rules for technical meetings and meetings of experts, hopefully at its 334th Session in October–November 2018.
128. Given the close linkage between the meeting on cross-border social dialogue and the meeting on global supply chains, also scheduled for 2019 in the context of the follow-up to the 2016 conclusions, it was appropriate that the Governing Body should decide on the format and composition of both meetings. He requested the Office to organize inter-sessional consultations on those matters for decision by the Governing Body at its 334th Session.
129. *Speaking on behalf of GRULAC*, a Government representative of Brazil recalled that, at the 328th and 329th Sessions of the Governing Body, the Governments, including GRULAC, had advocated wide Government participation in the proposed meeting, given its importance and potential impact. He further recalled that the conclusions of the discussion at the 105th Session (2016) of the Conference concerning decent work in global supply chains had linked cross-border social dialogue to global supply chains but had not specified a format for the meeting. Likewise, at its 328th Session, in October–November 2016, the Governing Body had requested the Office to “organize in 2018 a meeting on cross-border social dialogue ... (format to be determined)”.
130. That decision had expanded the scope of the discussion on cross-border social dialogue to include topics relating to decent work in global supply chains, including due diligence in relation to human rights. At the Governing Body session held in March 2018, the Governments had expressed common support for a tripartite technical meeting involving all interested governments.
131. The linkage between the two meetings planned for 2019 was very clear, and he called on the Governing Body to decide on the format of both, as well as on the rules governing expert and technical meetings, at its 334th Session in October–November 2018. That would require the Office to convene tripartite consultations before the session.
132. *The Worker spokesperson* said that her group could proceed no further, owing to the deadlock resulting from the strong linkage being made between the general discussion on

the future format of meetings and the specific decision now to be taken on the cross-border social dialogue meeting. While it was true that the nature of the meeting intended for the first quarter of 2019 had been left open, a tripartite meeting on cross-border social dialogue with eight Worker representatives and eight Employer representatives and an unlimited amount of Governments did not constitute tripartite balance. The Government group did not seem inclined to listen to her earlier proposal, and thus the Workers were not inclined to enter into further rounds of consultations.

- 133.** *The Employer spokesperson* said that the current impasse was extremely disappointing. The social partners' considerable efforts to strike a compromise with the Governments had not been reciprocated. The delinking mentioned by the Workers was critical in order to move forward. With the proposed format for the proposed meeting on cross-border social dialogue already effectively at 12-12-12 thanks mainly to their efforts, the social partners did not feel they could shift towards any further expansion – expert meetings were, in any case, meant to be intimate and focused. Tripartism required that no partner was more equal than others, and he requested the Government side to act in conformity with what was so often commended as the Organization's unique distinguishing feature.
- 134.** *Speaking on behalf of IMEC*, a Government representative of Canada reiterated the Government group's position, noting that it was inherently connected to the review and revision of formats and standing orders for meetings. Her group would like to see both matters discussed intersessionally, to allow more time for reflection and agreement.
- 135.** *The Worker spokesperson* said that linkage between the general discussion on format and the proposed meeting on cross-border social dialogue was precisely what her group wished to avoid. On the assumption that the Governments would continue to be inflexible, she suggested that the Governing Body should adopt the draft decision in paragraph 7 of the document under discussion, but only as far as the words "above agenda". That would at least enable work to start immediately on preparing the agenda for the cross-border meeting and allow the issue of composition to be addressed in November 2018. However, the position of the social partners would not change until the Government group indicated its readiness to discuss a compromise.
- 136.** *The Employer spokesperson* expressed full agreement with the previous speaker.
- 137.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said it was to be regretted that occasional differences of views emerged with the social partners, but reiterated the group's support for the tripartism and social dialogue processes at the ILO. He suggested amending the draft decision by adding a request that the Office should organize an intersessional consultation with a view to achieving a decision on the format of the proposed meeting.
- 138.** *The Employer spokesperson* said that the Employers would not engage in intersessional consultations, having already consulted enough and shown great flexibility.
- 139.** *The Worker spokesperson* said she could not accept the proposed amendment without an indication from the Government group that it was prepared to compromise. She endorsed the Employer spokesperson's view that the agenda for the meeting must not neglect the issue of due diligence in respect of human rights.
- 140.** It was inconceivable that the Employer and Worker spokespersons could go back to their various organizations and portray as tripartite a meeting attended by, for example, 50 Government, eight Worker and eight Employer representatives. Moreover, if the meeting on cross-border social dialogue had such numbers of Government representatives taking the

floor over three or four days, there would be no room for any experts representing the social partners.

141. *Speaking on behalf of IMEC*, a Government representative of Canada said that she could live without the proposed amendment but, on the broader issue of reviewing and revising formats and standing orders for meetings, her group would like to see a general commitment to further consultations before the next session of the Governing Body.
142. *A Government representative of Brazil* observed that tripartism did not mean that there always had to be agreement on every single point; rather, it was a matter of achieving convergence between different views on different matters. That required sitting together and listening, so as to find common ground, which the Governments had been willing to do since the beginning of the current discussion. They had been fully in favour of a tripartite technical meeting from the outset, tripartite discussion was now taking place about the possible format of the meeting and the three groups were agreeing on a date. A solution was therefore not far away, provided that the parties showed constructive engagement and open minds.
143. *The Chairperson* observed that the current session, which immediately followed two weeks of Conference discussions, was not the best time to discuss matters of substance on which opinions remained so widely divided. He suggested deferring the decision until such time as the parties had had the opportunity to seek a consensus in a less pressurized environment. They could then resume debate on the agenda item at the next Governing Body session.
144. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea regretted the lack of support from the social partners for his group's suggestions for finding a solution. The Government group could accept the suggestion by the Workers' group for amending the draft decision.

## Decisions

### Meeting on cross-border social dialogue

(Geneva, first quarter of 2019)

145. *The Governing Body approved the holding of the meeting in the first quarter of 2019 with the agenda proposed in paragraph 4 of document GB.333/INS/9 and deferred to its 334th Session (October–November 2018) the decision on its composition.*

(GB.333/INS/9, paragraph 7, as amended by the Governing Body.)

### 19th American Regional Meeting

(Panama City, Panama, 2–5 October 2018)

146. *The Governing Body, on the recommendation of its Officers, invited France, the Netherlands and the United Kingdom to be represented by a delegation of observers at the 19th American Regional Meeting.*

(GB.333/INS/9, paragraph 9.)

**Proposed invitations of intergovernmental organizations  
and international non-governmental organizations  
to official meetings**

147. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the organizations mentioned in paragraph 11 of document GB.333/INS/9 to be represented at the meetings listed therein as observers.*

(GB.333/INS/9, paragraph 12).

**Part II. Programme of meetings for 2018–19  
and advance information for 2020**

148. *The Governing Body took note of the programme of meetings set out in Part II of document GB.333/INS/9, as approved by the Officers of the Governing Body.*

(GB.333/INS/9, paragraph 13.)

**Other business**

**International Civil Service Commission**

149. *The Worker spokesperson* recalled that, after a very difficult discussion in March 2018 on the decisions taken by the International Civil Service Commission (ICSC) at its 85th Session regarding the post adjustment index for Geneva, the Governing Body had taken note of “the legal issues, risks and serious shortcomings associated with consultations on, and the implementation of, the results of the 2016 cost-of-living survey in respect of the duty station Geneva” and had “requested the Office to continue to actively engage with the ICSC at its 86th Session and beyond, with the objective of reforming the post adjustment and other salary survey methodologies, and ensure that the new methodology [was] applied for any post adjustments. The reform process should guarantee the full involvement of the UN workers’ federations and respect basic principles of social dialogue”. She would like to know from the Director-General what had been done in the light of that decision and, from the Government group, what action had been taken on the reform of the ICSC, especially in view of the commitments expressed by individual Governments.

150. *A Government representative of Brazil* said that the matter was not one that could be dealt with under “Other business”, since it required delegations to consult with their capitals and seek further information.

151. *The Director-General*, replying to the Worker spokesperson, confirmed that the Office was already acting on the decision to which she had referred, and that the Screening Group had included an item relating to the ICSC decision on the agenda of the next Governing Body session. He had personally reassured the ILO Staff Union Committee that the Office was acting energetically and in good faith in compliance with the decision adopted by the Governing Body in March.

152. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that, since the March 2018 session of the Governing Body, the Director of the Human Resources Development Department had been consulting with his counterparts at

other UN agencies, particularly those in Geneva, resulting in a joint request to the Chairman of the ICSC to include an item on the operation and methodology of the post adjustment mechanism on the agenda of the ICSC's 87th Session in July. The Office thus expected to be able to report back in greater detail at the Governing Body session in October–November 2018.

- 153.** *The Worker spokesperson* explained that she was being asked many questions by her constituency about the position taken by the Workers – and on the position taken by the Director-General – in the discussions leading to the Governing Body's March decision. She therefore felt that her question had been warranted. In the time available before the next Governing Body session, she expected all sides to report in full on how they had given effect to their commitments.