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► Report of the Chairperson of the Governing Body to the International Labour Conference for the period 2022–23

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▶ **Report of the Chairperson of the
Governing Body to the International
Labour Conference for the period
2022–23**

First item on the agenda

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► I. Institutional Section

1. Matters arising out of the work of the 110th Session (2022) of the International Labour Conference: Follow-up to the resolution concerning decent work and the social and solidarity economy

1. The Governing Body discussed the seven-year strategy and action plan on decent work and the social and solidarity economy (2023–29) at its 346th Session (October–November 2022).¹ At the time, the Governing Body noted that the document was succinct and incorporated the priorities of the constituents as underlined during the 110th Session of the International Labour Conference. The Governing Body also highlighted that the definition of the social and solidarity economy (SSE) reflected the specific features of the SSE and the diversity of entities and companies it brought together and complemented existing definitions.
2. Furthermore, Governing Body members welcomed the fact that the strategy and action plan were structured around five key operating principles, namely: grounding in international labour standards and social dialogue; gender equality and non-discrimination; respect for SSE values and complementarity between SSE entities and other enterprises; context-specificity with respect to nations and regions; and adaptability vis-à-vis changing circumstances. They underlined that the three objectives of the strategy and action plan were also well grounded on the Conference resolution, namely: improved understanding of realities and needs through research, statistics and knowledge management; increased capacities at the policy, institutional and individual levels; and enhanced policy, programmatic and budgetary coherence on decent work and the SSE. During its deliberations, the Governing Body also pointed out that the priority thematic areas identified in the strategy and action plan were closely aligned with action programme areas on the transition from the informal to the formal economy, decent work in supply chains, just transition towards environmentally sustainable economies and societies, and decent work in crisis and post-crisis situations.
3. The Governing Body endorsed the proposed strategy and action plan on decent work and the SSE and requested the Director-General to consider its guidance in implementing the strategy.

2. The Global Coalition for Social Justice

4. In his vision statement,² the Director-General proposed a global social justice programme comprising five key components, including the establishment of a Global Coalition for Social Justice (“the Coalition”) consisting of the ILO tripartite constituents, organizations from the multilateral system and other stakeholders. The Coalition would bring together relevant actors with a common ambition to promote strong, sustainable and inclusive development through strengthened global solidarity, policy coherence and concerted action.
5. At its 346th Session (October–November 2022), the Governing Body held an initial discussion on such a Coalition, with a view to providing preliminary guidance on its possible scope, principal

¹ GB.346/INS/3/2 and GB.346/PV, paras 128–155.

² *Houngbo for ILO*, 2022.

focus areas and modalities.³ Constituents generally welcomed the Coalition as a means to promote the ILO's agenda and values, strengthen policy coherence and promote collaboration on social justice within the multilateral system and with other stakeholders. Recognizing that a number of issues, such as governance arrangements, integration of the Coalition within existing initiatives and the role of ILO constituents, needed additional clarification, the Governing Body requested the Director-General to pursue his efforts and consultations, taking into account the guidance provided during the discussion, and to present an updated report to its 347th Session (March 2023) addressing the issues raised during the discussion and providing additional information.

6. Based on the guidance received during the discussion, and reflecting the informal consultations held subsequently, further information on the operational arrangements for the Coalition and other updates were presented to the Governing Body at its 347th Session (March 2023).⁴ During the discussion, constituents expressed general support for the proposals put forward in the document and requested the Office to provide more specific details on a number of points, notably: the rationale, priorities and objectives of the Coalition, its composition and governance, and the costs and funding of the Coalition's operations.
7. On the basis of the additional information provided,⁵ the Governing Body welcomed the Director-General's initiative to forge a Global Coalition for Social Justice, including through the "World of Work Summit: Social Justice for All" during the 111th Session (2023) of the International Labour Conference, and his proposal to hold tripartite consultations in preparation for the Summit. It further welcomed the Director-General's commitment to take into account its guidance, and his proposal to hold tripartite consultations to prepare a governance structure. Such a structure would include criteria and a procedure for partners' engagement, as well as a thematic plan based on the Decent Work Agenda, as laid down in the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and reaffirmed in the ILO Centenary Declaration for the Future of Work (2019) and other relevant ILO documents. Finally, the Governing Body requested the Director-General to report to it on further developments regarding the Coalition at its 349th Session (October–November 2023), and to take into account its continuing guidance.

3. Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty

8. At its 110th Session (2022), the Conference was informed of the decision taken by the Governing Body at its 344th Session (March 2022) in relation to further steps to ensure legal certainty within the framework of the work plan on the strengthening of the supervisory system.⁶ In accordance with this decision, at its 347th Session (March 2023), the Governing Body considered: (i) a draft procedural framework for the referral of questions or disputes regarding the interpretation of international labour Conventions to the International Court of Justice (ICJ) for decision in accordance with article 37(1) of the Constitution; and (ii) additional proposals on the possible

³ GB.346/INS/17/1 and GB.346/PV, paras 580–634.

⁴ GB.347/INS/4.

⁵ GB.347/INS/4/Additional information.

⁶ ILO, *Report of the Chairperson of the Governing Body to the International Labour Conference for the Period 2021–22*, ILC.110/Report I(C), 2022, paras 27–29.

establishment of an in-house tribunal for the expeditious determination of interpretation questions or disputes in accordance with article 37(2) of the ILO Constitution.⁷ As requested by the Governing Body, the draft procedural framework and the additional proposals had been prepared following a series of informal consultations in November–December 2022 and in January–February 2023. The Governing Body was invited to approve the procedural framework and its accompanying introductory note and to continue to discuss the implementation of article 37(2). Following an extensive discussion, including on the role of the Conference in relation to the referral of interpretation questions or disputes to the ICJ, the Governing Body decided to defer the consideration of this item to a future session.

4. ILO strategy on decent work in supply chains

9. At its 347th Session (March 2023), the Governing Body was invited to provide guidance on a proposed five-year comprehensive ILO strategy on decent work in supply chains. The strategy was based on building blocks adopted by the Tripartite Working Group on Options to Ensure Decent Work in Supply Chains (June–July 2022),⁸ and included operational, financial and resource mobilization implications. In approving the strategy, the Governing Body requested the Office to take into account its guidance when implementing the comprehensive ILO strategy on decent work in supply chains, and to submit a report on the strategy implementation to its 353rd Session (March 2025), for its consideration.⁹

5. Follow-up to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted by the Conference at its 109th Session (2021)

10. It will be recalled that under the resolution, the Conference requested the Chairperson of the Governing Body to include in the annual report to the Conference a specific section on efforts undertaken by the Governing Body for the completion of the process of ratification of the Instrument for the Amendment of the ILO Constitution, 1986 (the 1986 Amendment).¹⁰
11. The Governing Body continued to receive regular updates on the status of ratification of the 1986 Amendment at its 346th (October–November 2022) and 347th (March 2023) Sessions.¹¹ In November 2022, the Governing Body was informed that 122 ratifications had been registered, including five new ratifications (by Cabo Verde, Liberia, Peru, the Philippines and Turkmenistan) since the last report in March 2022. In March 2023, the Governing Body was informed that 125 ratifications of the 1986 Amendment had been registered, that is, two thirds of ILO Member States. Since information was last provided in October 2022, three more Member States have registered their ratification (the Gambia, Samoa and Sao Tome and Principe). The Governing Body was also informed that the Office had continued its promotional activities for the ratification of

⁷ GB.347/INS/5.

⁸ Tripartite Working Group web page.

⁹ GB.347/INS/8.

¹⁰ ILO, Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, ILC.109/Resolution IV, 2021. See also ILC.110/Report I(C), paras 33–36.

¹¹ GB.346/INS/INF/4 and GB.347/INS/INF/3.

the 1986 Amendment. In particular, in November 2022, the Director-General sent letters to the foreign ministers and labour ministers of the eight Members of chief industrial importance (Brazil, China, France, Germany, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) who have not yet ratified the 1986 Amendment.

6. Final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance

- 12.** At its 347th Session (March 2023), the Governing Body took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance, which presented an overview of the working group's discussions over its seven meetings as well as considerations on the progress made in the ratification of the 1986 Amendment and the way forward.¹² The Governing Body welcomed the significant progress made in the ratification of the 1986 Amendment since the establishment of the working group in 2019. It urged the eight Members of chief industrial importance which have not yet ratified the 1986 Amendment to consider favourably such ratification in the shortest possible time. The Governing Body requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep to the Governing Body updated in subsequent November and March sessions until the amendment entered into force.

7. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions

- 13.** At its 345th Session (June 2022), in light of developments in Myanmar and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar¹³ adopted by the International Labour Conference at its 109th Session (2021), the Governing Body deplored the lack of progress towards restoring the democratically elected government in the country. It also called on the military authorities to end large-scale lethal violence, as well as the harassment, intimidation and arbitrary arrests and detention of trade unionists and others. It repeated calls for the military authorities to end the use of forced labour as well as to restore citizenship to pro-democracy activists, uphold rights under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and amend labour laws relating to freedom of association when democracy is restored. It also called on the authorities to end acts of interference in the activities of the International Labour Office.
- 14.** At its 345th Session (June 2022), the Governing Body decided to appoint the following persons to serve on the Commission of Inquiry appointed to consider the complaint concerning non-observance by Myanmar of Convention No. 87 and the Forced Labour Convention, 1930 (No. 29): Judge Raul Cano Pangalangan (Philippines) as Chairperson; Judge Dhaya Pillay (South Africa) and Dr Faustina Pereira (Bangladesh) as members.¹⁴

¹² GB.347/INS/6.

¹³ ILO, [Resolution for a return to democracy and respect for fundamental rights in Myanmar](#), ILC.109/Resolution II, 2021.

¹⁴ GB.345/PV, paras 140 and 141.

15. At its 347th Session (March 2023), the Governing Body, in light of developments in Myanmar, recalled the terms of the decision it adopted in June 2022 which remained valid and up to date in their entirety. It decided to remain seized of the matter and requested the Director-General to keep it regularly informed of all further developments.¹⁵

8. Proposals and road map for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session (2003) of the International Labour Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work

16. At its 110th Session (2022), the International Labour Conference adopted the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work.¹⁶ In November 2022, the Governing Body requested the Office to prepare a document for its 347th Session (March 2023) containing proposals and a road map for the review of the Global Strategy on Occupational Safety and Health (OSH) adopted at the 91st Session (2003) of the International Labour Conference (Global Strategy) and the promotion of a safe and healthy working environment as a new fundamental principle and right at work.¹⁷
17. The document submitted to the 347th Session¹⁸ provided an overview of relevant developments since the adoption of the Global Strategy and informed of current trends, challenges, and opportunities to be considered for the review. The Office proposed, as a strategic goal of the revised strategy, to progressively realize the fundamental right to a safe and healthy working environment worldwide. That would ultimately contribute to the global decrease in the number of occupational fatalities, injuries and diseases. That goal would be achieved through three interrelated strategic pillars consisting of: promoting and ensuring the effective national governance of OSH; strengthening policy and institutional coordination and broadening political commitment and investment on OSH; and promoting a tailored workplace OSH system's management approach.
18. The document further proposed the building blocks of a strategy covering the period 2024–30, guided by a set of principles placing the ILO's normative system and values, as well as social dialogue and tripartism, at its core. A human-centred, inclusive and gender-responsive approach to OSH and the application of the principle of prevention throughout the whole life cycle are additional guiding references that cut across the three pillars. A plan of action to be implemented through five broad areas was also proposed.
19. The Governing Body approved the proposals and road map for the review of the Global Strategy. It requested the Director-General to prepare, for the 349th Session (October–November 2023) of the Governing Body, the Global Strategy on Occupational Safety and Health 2024–30 and the plan of action for its implementation, taking into account the guidance provided during the

¹⁵ GB.347/INS/12.

¹⁶ ILO, Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, International Labour Conference, 110th Session, 2022.

¹⁷ GB.346/INS/3/3 and GB.346/PV, paras 156–180; ILO, *Global Strategy on Occupational Safety and Health: Conclusions adopted by the International Labour Conference at its 91st Session (2003)*, 2004.

¹⁸ GB.347/INS/7.

347th Session (March 2023), as well as during the informal consultations to be held between April and October 2023.

9. Follow-up to the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work

20. At its 346th Session (October–November 2022), the Governing Body examined proposals relating to the actions it was invited to take by the Conference in its resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work adopted at its 110th Session (2022). The Governing Body took a number of decisions.¹⁹
21. First, the Governing Body decided to place on the agenda of the 111th Session (2023) of the Conference an item concerning the adoption of a Convention and a Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the inclusion of a safe and healthy working environment in paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. In addition, in view of the purely formal character of the proposed instruments, the Governing Body decided that a succinct report should be circulated to Member States, including the proposed texts for the instruments, which should serve as a basis for the Conference discussion.²⁰
22. Second, the Governing Body decided to adopt the consequential amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the MNE Declaration).
23. Third, the Governing Body decided to include the two new fundamental Conventions, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and their accompanying Recommendations, under the strategic objective of fundamental principles and rights at work for the purposes of future recurrent discussions.
24. Fourth, the Governing Body decide to apply a three-year cycle to reports requested under article 22 of the Constitution for Conventions Nos 155 and 187, as from 2024. In this connection, it requested the Office to submit to its 347th Session (March 2023) proposals to adapt the current reporting arrangements under article 22 of the Constitution for Members that have ratified the new fundamental Conventions and a proposed report form for Members that have not ratified one or both Conventions under the follow-up to the 1998 Declaration.
25. Fifth, (as mentioned in item 8 reported on above) the Governing Body requested the Office to prepare for its 347th Session (March 2023) proposals and a road map for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session of the Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work.

¹⁹ GB.346/INS/3/3 and GB.346/PV, para. 180.

²⁰ ILO, *Proposed Convention and Recommendation concerning the Partial Revision of 15 International Labour Instruments following the Inclusion of a Safe and Healthy Working Environment in the ILO's Framework of Fundamental Principles and Rights at Work*, ILC.111/VIII, 2023. The proposed instruments will be examined by the General Affairs Committee.

10. Follow-up report on further developments concerning the Social Dialogue Forum and the implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144

- 26.** At the 345th Session (June 2022) of the Governing Body, the Director-General provided an update to his report pursuant to the Governing Body's decision on measures taken by the Bolivarian Republic of Venezuela to comply with the recommendations of the Commission of Inquiry and on technical assistance requested and provided.²¹
- 27.** At its 346th Session (October–November 2022), in light of the developments in the Bolivarian Republic of Venezuela outlined in a further updated report of the Director-General, the Governing Body, on the recommendation of its Officers: (a) recognized progress made while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry; (b) requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry and the effective application 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), in law and practice; and (c) requested the Director-General to submit to the 347th Session (March 2023) of the Governing Body a further report on any developments concerning the Social Dialogue Forum and the implementation of the agreed action plan to give effect to the recommendations of the Commission of Inquiry.²²
- 28.** At its 347th Session (March 2023), in light of a further updated report of the Director-General,²³ the Governing Body, on the recommendation of its Officers: (a) took note of the report on the third Social Dialogue Forum held from 30 January to 1 February 2023 while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry; (b) requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay; (c) requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 349th Session (October–November 2023) of the Governing Body a further report on any developments concerning the above; and (d) requested the Director-General to engage with the Government so that an ILO expert on social dialogue accompanies and supports, on a continuous basis, the implementation of the action plan.

²¹ GB.345/INS/5/1(Rev.1).

²² GB.346/INS/12(Rev.1) and GB.346/PV, paras 421–460.

²³ GB.347/INS/13(Rev.1).

11. Options for measures under article 33 of the ILO Constitution, as well as other measures, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect of Conventions Nos 87 and 98

- 29.** At its 345th Session (June 2022), the Governing Body considered the questions arising from the 110th Session of the International Labour Conference requiring immediate action. In that context, having taken note of the conclusions of the Committee on the Application of Standards concerning the case of Belarus,²⁴ approved by the International Labour Conference, the Governing Body: (a) decided to include on the agenda of its 346th Session (October–November 2022) an item entitled “Consideration of any further measure, including those foreseen in the ILO Constitution, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry”; and (b) invited the Director-General to prepare a report for its consideration.²⁵
- 30.** At its 346th Session (October–November 2022), the Governing Body: (a) deplored that no progress had been made by the Government of Belarus in implementing the recommendations of the 2004 Commission of Inquiry; (b) urged the Government to ensure full respect for freedom of association and, in particular, revoke all legislative and other measures directly or indirectly having the effect of outlawing independent trade unions or employers’ organizations; (c) urged the Government to immediately release all trade union leaders and members arrested for participating in peaceful assemblies or arrested for exercising their civil liberties pursuant to their legitimate trade union activities and drop all related charges; (d) urged the Government to allow the ILO, as a matter of urgency, to ascertain the conditions of arrest and detention and the welfare of the above-mentioned trade unionists; (e) noted that the Committee of Experts on the Application of Conventions and Recommendations would be reviewing the application of Convention No. 87, in Belarus at its November–December 2022 meeting; (f) urged the Government to submit all information regarding the measures taken to implement all outstanding recommendations of the Commission of Inquiry and in respect of the more recent developments forming part of the complaint to the Committee on Freedom of Association for its examination at its March 2023 meeting; (g) requested the Director-General to submit to the Governing Body at its 347th Session (March 2023) a document detailing options for measures under article 33 of the ILO Constitution as well as other measures to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry taking account of the views expressed; and (h) decided to place on the agenda of the 111th Session (2023) of the International Labour Conference an item concerning measures under article 33 of the ILO Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry.²⁶
- 31.** At its 347th Session (March 2023), the Governing Body requested the Director-General to ensure that no technical cooperation or assistance to the Government of Belarus is considered or undertaken by the Office, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry and to take the necessary steps to ensure

²⁴ ILO, *Minutes of the twentieth sitting of the International Labour Conference Committee on the Application of Standards*, CAN/PV.CCL.2, 2022, 16.

²⁵ GB.345/PV, paras 17–37.

²⁶ GB.346/INS/13(Rev.1) and GB.346/PV, para. 495.

that no invitation to attend meetings, symposia or seminars organized by the ILO is extended to the Government of Belarus, except for meetings that have the sole purpose of securing immediate and full compliance with the recommendations of the Commission of Inquiry. It recommended to the International Labour Conference to consider, at its 111th Session (2023), the measures under article 33 of the Constitution outlined in the draft resolution. It invited the Government of Belarus to submit to the Director-General by 1 May 2023 any relevant information.²⁷

12. Report by the Government of Bangladesh on progress made on the implementation of the road map taken to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98

- 32.** A complaint under article 26 of the ILO Constitution, alleging non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), was filed by several Workers' delegates to the 108th Session (2019) of the International Labour Conference. At its 337th Session (October–November 2019), the Governing Body took note of the complaint and declared it receivable.²⁸
- 33.** At its 343rd Session (November 2021), the Governing Body took note of the road map of actions submitted by the Government in May 2021 to address all the outstanding issues mentioned in the complaint.²⁹ The road map was developed around four priority areas: (a) labour law reform; (b) trade union registration; (c) labour inspection and enforcement; and (d) addressing acts of anti-union discrimination, unfair labour practices and violence against workers.³⁰
- 34.** At its 346th and 347th Sessions (October–November 2022 and March 2023), the Governing Body took note of the reports on progress made in the implementation of the road map, submitted by the Government in September 2022 and February 2023 respectively.³¹ At its 347th Session, the Governing Body requested the Government of Bangladesh to report on further progress made at its 349th Session (October–November 2023) and deferred the decision on further action in respect of the complaint to that session or any subsequent session.

13. Report on developments relating to the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization

- 35.** Since the adoption of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the ILO, adopted by the Governing Body at its

²⁷ GB.347/INS/14(Rev.1) and GB.347/INS/14(Rev.1)/Decision.

²⁸ GB.337/PV, para. 525.

²⁹ GB.343/PV, para. 343.

³⁰ GB.342/INS/INF/2(Rev.1).

³¹ GB.346/INS/11(Rev.2) and GB.347/INS/15(Rev.2).

344th Session (March 2022),³² the Director-General has continued to report to the Governing Body on the implementation of the resolution.

- 36.** The Director-General provided the Governing Body with: estimates of employment losses in Ukraine; data regarding the occupational composition of refugees in host countries; detailed information on various ways in which the labour market has been affected by the conflict and a constantly evolving policy environment; and updated information on the ILO's efforts to collaborate with partners in the multilateral system to ensure that infringements on workers' rights are monitored and reported.³³
- 37.** In subsequent decisions the Governing Body has requested the ILO to:
- (a) continue monitoring the operational capacity of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (DWT/CO-Moscow) to safeguard the technical cooperation or assistance to all other countries in the subregion;
 - (b) continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine;
 - (c) continue to monitor and take appropriate steps to safeguard the labour rights of workers and support the sustainability of enterprises in Ukraine, including in areas that are temporarily controlled by the Russian Federation, and including in nuclear power plants; and
 - (d) expand the ILO's resource mobilization efforts for Ukraine, including in forthcoming international donor conferences on recovery and reconstruction, and for other affected countries across the subregion of Eastern Europe and Central Asia. The Governing Body requested the Director-General to report on these matters to its 348th Session (June 2023).

³² ILO, Resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization, GB.344/Resolution, 2022.

³³ GB.345/INS/5/3; GB.346/INS/14; GB.347/INS/16.

► II. Policy Development Section

A. Employment and Social Protection Segment

1. A normative gap analysis on decent work in the platform economy

38. At its 346th Session (October–November 2022), the Governing Body decided to place on the agenda of the 113th Session (2025) of the International Labour Conference an item on decent work in the platform economy, and requested the Office to prepare a normative gap analysis to inform its decision-making on the nature of the item in question.³⁴ At its 347th Session (March 2023), the Governing Body discussed a document entitled “A normative gap analysis on decent work in the platform economy”.³⁵ The document examined two types of gaps: gaps in the personal scope of application of international labour standards, and so-called thematic gaps, namely issues that are relevant to the platform economy and do not appear to be fully addressed in existing ILO standards. The normative gap analysis was well received by the Governing Body. There were divergent views expressed as to whether the 113th Session of the Conference (2025) should include a general discussion or a standard-setting discussion on decent work in the platform economy and the matter was put to a vote. In the end, the Governing Body decided that the item placed on the agenda of the 113th Session (2025) of the Conference on decent work in the platform economy would be devoted to standard-setting with a double-discussion procedure.

B. Multinational enterprises segment

2. Taking stock five years after the adoption of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

39. At its 346th Session (October–November 2022), the Governing Body discussed and welcomed the progress made since 2017 on the promotion and application of the MNE Declaration.³⁶ It recalled that at its 329th Session, it had adopted the revised MNE Declaration (at the time, the fifth edition), comprising a revised text and list of ILO Declarations, international labour Conventions and Recommendations, codes of practice, guidelines and other guidance documents relevant to the MNE Declaration (Annex I) as well as a new Annex II containing a set of operational tools to stimulate the application of the principles of the MNE Declaration by all parties. The Governing Body also reviewed the decisions it had taken since 2017 to further stimulate the use of the instrument by all actors, including within the ILO’s means of action and through enhanced partnerships with other international organizations in the areas of responsible business conduct, trade, investment and supply chains.

³⁴ GB.346/PV, para. 93(b).

³⁵ GB.347/POL/1.

³⁶ GB.346/POL/5; ILO, *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* (sixth ed. since adopted by the Governing Body at its 346th Session (October–November 2022)).

40. The Governing Body then requested the Director-General: (a) to scale up activities in support of constituents to make better use of the MNE Declaration, in line with the building blocks for a comprehensive strategy on achieving decent work in supply chains; (b) to strengthen and promote operational tools, as outlined in Annex II of the MNE Declaration; (c) to further mainstream the MNE Declaration in relevant development cooperation programmes and ILO engagement with enterprises; (d) to strengthen ILO engagement with other international organizations to advance decent work through the promotion of the MNE Declaration in the context of trade, investment and supply chains; and (e) to facilitate resource mobilization to that effect.

► III. Legal Issues and International Labour Standards Section

A. Legal Issues Segment

1. Final provisions of international labour Conventions

41. At its 346th Session (October–November 2022), the Governing Body took note of the report of the seventh meeting of the Standards Review Mechanism Tripartite Working Group and requested the Office to prepare for its consideration in March 2023, in the context of the discussion on final clauses of international labour Conventions, a draft resolution that would amend the final clause concerning the authoritative language versions, for transmission to the International Labour Conference at its 111th Session (2023). At its 347th Session (March 2023), the Governing Body considered an overview of the institutional context and current theory regarding final provisions of international labour Conventions. The Governing Body decided to transmit the draft resolution concerning the final Articles of international labour Conventions to the present session for possible adoption by the Conference. The draft resolution amends the final provisions of international labour Conventions to add Spanish as one of the authoritative language versions of future international labour Conventions, and seeks the Conference’s validation of a number of editorial changes introduced since the final provisions were last amended by the Conference in 1951. The Governing Body also decided to defer the discussion on the final Articles of international labour Conventions to a future session of the Governing Body.³⁷

2. Improving the Rules governing the appointment of the Director-General

42. At its 110th Session (2022), the Conference was informed of the various arrangements decided by the Governing Body in relation to the process concerning the last election and appointment of the Director-General.³⁸ The discussions that took place in the context of this process pointed to the desirability of further reinforcing certain aspects of the process in terms of transparency and fairness, in order to uphold high ethical standards. As a result, at its 347th Session (March 2023), the Governing Body examined amendments to the Rules governing the appointment of the Director-General set forth in Annex III to the *Compendium of rules applicable to the Governing Body*. The Governing Body also examined amendments to articles 4.6 and 7.7 of the Staff Regulations to align the period of appointment of Deputy Directors-General and Assistant Directors-General with that of the Director-General and to provide that internal candidates should be placed on special leave with half salary prior to the election.³⁹ The Governing Body approved an amended version of the proposed amendments to Annex III and to articles 4.6 and 7.7 of the Staff Regulations.

³⁷ GB.347/LILS/1. The draft resolution will be considered by the General Affairs Committee.

³⁸ ILC.110/Report I(C), paras 19–25.

³⁹ GB.347/LILS/3(Rev.2).

B. International Labour Standards and Human Rights Segment

3. Standards Review Mechanism Tripartite Working Group

43. A priority for the Organization, the Standards Review Mechanism Tripartite Working Group (SRM TWG) is charged with ensuring that the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. At its 346th Session (October–November 2022), the Governing Body approved the recommendations of the seventh meeting of the SRM TWG, welcoming its consensual recommendations and requesting the Office to take the necessary action in follow-up as a matter of institutional priority.⁴⁰
44. In relation to the SRM TWG's review of the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Governing Body decided that the instrument was "up to date"; and invited the Committee of Experts on the Application of Conventions and Recommendations to consider seeking information from Member States on their application, in law and practice, of the Social Security (Minimum Standards) Convention, 1952 (No. 102), (Part VI), and/or the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), to agricultural workers. It once again called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations, noting in particular promotion of the ratification and effective implementation of Conventions Nos 102 (Part VI) and 121, with a view to including their application to agricultural workers, by Member States in which Convention No. 12 and three outdated Conventions (the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)) are currently in force.
45. In relation to the preparations for future meetings of the SRM TWG, the Governing Body decided that the SRM TWG would examine the instruments concerning maternity protection, protection of children and young persons, and social security (old age, invalidity and survivors' benefits) within the revised initial programme of work in its eighth meeting, which would take place from 11 to 16 September 2023.
46. Finally, the Governing Body decided that it would discuss at the earliest possible date the implications of gendered and other obsolete and inappropriate terms and references in all international labour standards, with a view to deciding on appropriate follow-up actions. Further, the Governing Body requested the Office to prepare for its consideration at the 347th Session (March 2023), in the context of the discussion on final clauses of international labour Conventions, a draft resolution that would amend the final clause concerning the authoritative language versions, for transmission to the Conference at its 111th Session (2023).
47. At its 347th Session (March 2023), the Governing Body took a number of decisions as a follow-up to the SRM TWG's previous recommendations. Firstly, it decided to place on the agenda of the 114th Session (2026) or of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion. Secondly, it transmitted the draft resolution concerning the final Articles of international labour Conventions to the 111th Session (2023) of the International Labour

⁴⁰ GB.346/LILS/1 and GB.346/PV, paras 822–860.

Conference for possible adoption. Thirdly, it placed an item concerning the abrogation of Conventions Nos 17, 18 and 42 and the withdrawal of three Recommendations (the Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22), the Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23), and the Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24)) on the agenda of the 121st Session of the International Labour Conference (2033). An evaluation will be held in 2028 to assess whether Member States have taken any necessary action to ratify the related up-to-date instruments; if progress has not been made, the date at which their abrogation and withdrawal will be discussed may be reconsidered by the Governing Body.

► IV. Programme, Financial and Administrative Section

A. Programme, Financial and Administrative Segment

1. The Director-General's Programme and Budget proposals for 2024–25

- 48.** Following the examination by the Governing Body of a preview of the Programme and Budget proposals for 2024–25 in November 2022,⁴¹ and taking into consideration the guidance it provided, the Director-General submitted his Programme and Budget proposals to the 347th Session of the Governing Body in March 2023.⁴²
- 49.** Following the initial discussions, the Governing Body highlighted several issues requiring a response from the Director-General, namely: the matter of the inclusion of the references to sexual orientation and gender identity, in paragraph 160 and output 5.1.2, as part of the ILO's fight against discrimination; the Global Coalition for Social Justice and its implications in terms of human and financial resources; the clarifications on the proposed use of Regular Budget Supplementary Account (RBSA); the projected reduction in the regular budget allocation for outcome 3; and the budget level. The Director-General addressed these issues in the reply he provided to the Governing Body, and proposed adjustments of the budget to a level of zero real growth in constant 2022–23 US dollars, together with reductions in cost increases, resulting in an overall decrease of the proposed budget by some US\$9 million.
- 50.** The Governing Body held additional discussions in light of the Director-General's reply, greatly focused on the issue of the language used in relation to sexual orientation and gender identity and the related amendments to the decision point proposed by groups of countries. As no consensus could be reached on this specific issue, the Governing Body resorted to three rounds of votes which resulted in the two amendments proposed being rejected, and the revised level of budget at the amount of US\$885,303,443, estimated at the 2022–23 budget rate of exchange of CHF0.9 to the US dollar, being supported. The Governing Body also approved the use of the balance of the Special Programme Account in the amount of CHF4.8 million (estimated at US\$5.3 million at the 2022–23 budget rate of exchange of CHF0.9 to the US dollar) to partially offset the one-off cost of US\$7 million used to fund the two sessions of the International Labour Conference in 2024 and 2025.
- 51.** The Director-General's Programme and Budget proposals for 2024–25 and a draft resolution will be presented to the Finance Committee of the International Labour Conference for consideration and subsequent adoption by the Conference at its upcoming 111th Session (2023).

⁴¹ GB.346/PFA/1.

⁴² GB.347/PFA/1 and GB.347/PFA/1/1(Rev.1).

2. Financial implications of the adoption of the ILO Open Access Policy

52. At its 347th Session (March 2023), the Governing Body took note of the adoption of the ILO Open Access Policy effective as of 3 May 2023 and its long-term financial implications on the Publications Revolving Fund. It decided that the current balance of the Fund be used to cover the projected annual net deficit until it is exhausted.⁴³

B. Audit and Oversight Segment

3. Appointment of the External Auditor (2024–27)

53. At its 347th Session (March 2023), the Governing Body received the report and recommendation of its Selection Panel for the appointment of the External Auditor for 2024–27, following the selection process previously decided at its 343rd Session (November 2021). Based on the unanimous recommendation of the Selection Panel, the Governing Body decided to appoint the Comptroller and Auditor General of India as the External Auditor of the ILO for the 79th and 80th financial periods, with the appointment to commence on 1 April 2024 for a period of four years.⁴⁴

C. Personnel Segment

4. Recent developments concerning the determination of the post adjustment by the International Civil Service Commission

54. At its 346th Session (October–November 2022), the Governing Body was reminded of the legal challenge posed by the Director-General's decision to implement the revised post adjustment as determined by the International Civil Service Commission (ICSC) for all Geneva-based staff in the professional and higher categories effective April 2018, including Judgment No. 4134 with respect to staff complaints filed against the ILO⁴⁵ and the measures taken by the Office for the prompt and full execution of that judgment. It took note of the information provided by the Office regarding the ongoing stalemate with respect to the determination of post adjustment multipliers by the ICSC and adopted a resolution with a view to proposing measures to be taken in order to definitely resolving the issue.⁴⁶ The resolution was transmitted by the Director-General to the Secretary-General of the United Nations, the President of the General Assembly of the United Nations, the Chairman of the ICSC and the executive heads of the specialized agencies concerned.
55. At its 347th Session (March 2023), the Office informed the Governing Body that the General Assembly had decided to amend articles 10(b) and 11(c) of the ICSC statute concerning post adjustments, which the Director-General accepted.⁴⁷ The Office proceeded to implement the post adjustment established by the ICSC in all duty stations from 1 March 2023, implementing transitional measures for duty stations other than Geneva as required.

⁴³ GB.347/PFA/5.

⁴⁴ GB.347/PFA/9(Rev.1).

⁴⁵ Judgment No. 4134 was delivered by the ILO Administrative Tribunal on 3 July 2019.

⁴⁶ GB.346/PFA/13(Rev.1) and GB.346/PV, paras 1154–1171.

⁴⁷ GB.347/PFA/INF/9 and GB.347/PFA/INF/11.

5. Matters relating to the Administrative Tribunal of the ILO: Review of the jurisdictional set-up of the United Nations common system

56. At its 346th Session (October–November 2022), the Governing Body received updated information on the ongoing review of the jurisdictional setup of the United Nations common system undertaken by the United Nations Secretary-General at the request of the United Nations General Assembly.⁴⁸ In particular, it was informed of the detailed proposals contained in the Secretary-General's report concerning changes to the adjudication of cases involving decisions or recommendations of the ICSC before the UN tribunals and the ILO Administrative Tribunal.⁴⁹ The Governing Body also took note of the comments of the judges of the ILO Administrative Tribunal and requested the Director-General to continue to engage with the UN Secretariat, taking into account the views expressed during the discussion.
57. At its 347th Session (March 2023), the Office provided an informational update⁵⁰ to the Governing Body on the latest developments at the UN General Assembly on this subject, in particular regarding the General Assembly's resolution 77/257 of 30 December 2022⁵¹ and the subsequent follow-up between the UN Secretariat and the ILO. The Office will continue to cooperate for the successful completion of the UN Secretary-General's review of the jurisdictional set-up of the UN common system, while assuming its special responsibilities as custodian of the Tribunal, and will provide updated information on further developments to the 349th Session (October–November 2023) of the Governing Body.

6. Amendments to the Staff Regulations

58. At its 347th Session (March 2023), the Governing Body considered, under its Legal Issues and International Labour Standards Section, a proposal on improving the Rules governing the appointment of the Director-General, which resulted in the amendments to articles 4.6 and 7.7 of the Staff Regulations to align the period of appointment of Deputy Directors-General and Assistant Directors-General with that of the Director-General, and to stipulate that internal candidates should be placed on special leave and receive half of their salary prior to the election.⁵²

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59. In addition to the items summarized above, details of the Governing Body's consideration of all other items are reflected in the minutes of its 345th, 346th and 347th Sessions.

⁴⁸ GB.346/PFA/12(Rev.1).

⁴⁹ UN General Assembly, *Review of the Jurisdictional Set-up of the United Nations Common System: Report of the Secretary-General*, A/77/222, 2022.

⁵⁰ GB.347/PFA/INF/11.

⁵¹ UN General Assembly, resolution 77/257, *Review of the jurisdictional set-up of the United Nations common system*, A/RES/77/257 (2023).

⁵² GB.347/LILS/3(Rev.2).