



## **Governing Body**

325th Session, Geneva, 29 October–12 November 2015

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**GB.325/PV**

### **Minutes of the 325th Session of the Governing Body of the International Labour Office**



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The 325th Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 29 October to Thursday, 12 November 2015, presided over by Ms Misako Kaji of Japan as Chairperson.

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



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## Institutional Section

1. The Institutional Section met on Monday, 2, and Friday, 6 November and from Monday, 9 November to Thursday, 12 November 2015. The Chairperson of the Governing Body, Ms M. Kaji (Government, Japan), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr J. Rønne (Denmark), was the Employer spokesperson for the Section, except in respect of item 3, “Preparation for the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization” by the International Labour Conference at its 105th Session (2016), where Ms R. Hornung-Draus was spokesperson; item 4, “Review of annual reports under the follow-up to the ILO Declaration on the Fundamental Principles and Rights at Work”, where Mr K. Rahman was spokesperson; item 5/1, “Matters arising out of the work of the 104th Session of the International Labour Conference: Follow-up to the resolution concerning the recurrent discussion on the strategic objective of social protection (labour protection)”, where Ms R. Goldberg was spokesperson; item 5/2, “Matters arising out of the work of the 104th Session of the International Labour Conference: Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation”, and item 6, “The 2030 Agenda for Sustainable Development”, where Ms G. Pineau was spokesperson; item 11, “Review of the implementation of ILO–ISO agreements”, where Mr K. de Meester was spokesperson; item 12, “Reports of the Committee on Freedom of Association”, where Mr C. Syder was spokesperson; item 13, “Report of the Board of the International Training Centre of the ILO, Turin”, where Mr M. Mdwaba was spokesperson; item 15/3, “Report of the Director-General: Third Supplementary Report: The ILO’s role in the Ebola recovery effort”, where Mr E. M. Megateli was spokesperson; and item 17, “The global refugee crisis and its labour market implication”, where Ms R. Goldberg was spokesperson. Mr L. Cortebeek (Belgium), spoke for the Workers, except in respect of item 4, where Mr K. Ross was spokesperson; item 5/1, where Ms C. Passchier was spokesperson; item 5/2, where Ms H. Kelly was spokesperson; item 6, where Mr F. Atwoli was spokesperson; item 11, where Ms S. Cappuccio was spokesperson; and item 15/3, where Mr K. Asamoah was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 325th Session:

### Policy Development Section

#### *Employment and Social Protection Segment*

*(Wednesday, 4 November 2015)*

*Chairperson:* Mr B. Delmi (Algeria)

*Employer spokesperson:* Ms R. Goldberg

Item 1/1, Formalization of the informal economy: Area of critical importance: Mr A. Frimpong

Item 1/2, Formalization of the informal economy: Follow-up to the resolution concerning efforts to facilitate the transition from the informal to the formal economy: Mr A. Frimpong

Item 2, Indigenous peoples’ rights for inclusive and sustainable development: Mr M. Terán

Item 3, Outcome of the tripartite Meeting of Experts on Sustainable Development, Decent Work and Green Jobs (Geneva, 5–9 October 2015): Mr T. Walcott

*Worker spokesperson:* Mr P. Dimitrov

Item 2, Indigenous peoples' rights for inclusive and sustainable development:  
Ms H. Kelly

Item 3, Outcome of the tripartite Meeting of Experts on Sustainable Development,  
Decent Work and Green Jobs (Geneva, 5–9 October 2015): Ms H. Kelly

***Social Dialogue Segment***

*(Tuesday, 3 November 2015)*

*Chairperson:* Ms G. Kvam (Norway)

*Employer spokesperson:* Mr P. Woolford

Item 4, Area of critical importance: Strengthening workplace compliance through  
labour inspection: Ms L. Horvatic

*Worker spokesperson:* Mr B. Thibault

***Development Cooperation Segment***

*(Tuesday, 3 November 2015)*

*Chairperson:* Ms J. Pitt (Australia)

*Employer spokesperson:* Ms J. Mugo

*Worker spokesperson:* Mr M. Guiro

***Multinational Enterprises Segment***

*(Thursday, 5 November 2015)*

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

*Employer spokesperson:* Ms R. Hornung-Draus

*Worker spokesperson:* Ms A. Buntenbach

**Legal Issues and International Labour Standards Section**

***Legal Issues Segment***

*(Thursday, 5 November 2015)*

*Chairperson:* Mr G. Corres (Argentina)

*Employer spokesperson:* Ms L. Horvatic

*Worker spokesperson:* Ms C. Passchier

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

*(Thursday, 5 November and Friday, 6 November 2015)*

*Chairperson:* Mr G. Corres (Argentina)

Item 3, The Standards Initiative: Terms of reference of the Standards Review  
Mechanism Tripartite Working Group: Ambassador M. Kaji (Japan)

*Employer spokesperson:* Mr A. Echavarria

*Worker spokesperson:* Mr L. Cortebeeck

Item 4, Choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2017: Ms C. Passchier

### **Programme, Financial and Administrative Section**

*(Monday, 2 to Tuesday, 3 and Thursday, 12 November 2015)*

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

*Chairperson:* Ms M. Kaji (Japan)

*Employer spokesperson:* Mr M. Mdwaba

*Worker spokesperson:* Mr S. Gurney

#### ***Audit and Oversight Segment***

*Chairperson:* Ms M. Kaji (Japan)

*Employer spokesperson:* Mr M. Mdwaba

*Worker spokesperson:* Mr S. Gurney

#### ***Personnel Segment***

*Chairperson:* Ms M. Kaji (Japan)

*Employer spokesperson:* Mr P. Woolford

*Worker spokesperson:* Mr S. Gurney

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

*(Thursday, 5 November 2015)*

*Chairperson:* Ms M. Kaji (Japan)

*Employer spokesperson:* Mr J. Rønne

*Worker spokesperson:* Mr L. Cortebeeck

### **Committee on Freedom of Association**

*(Thursday, 29 to Friday, 30 October 2015)*

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

*Employer Vice-Chairperson:* Mr C. Syder

*Worker Vice-Chairperson:* Mr Y. Veyrier <sup>1</sup>

<sup>1</sup> Substituting Mr L. Cortebeeck.

## Opening remarks by the Director-General

3. *The Director-General* recalled that the global economy continued to underperform, with a growth trajectory significantly below pre-crisis levels and forecasts of a downward revision of expectations, in particular in the emerging economies. Likewise, conflicts and confrontations in the world continued to deepen and proliferate, which was of particular concern to the ILO as an Organization dedicated to achieving peace through social justice. The culmination of the “Year of Global Action”, with its multiple initiatives, was nearing its end. The ILO had contributed to this worldwide set of initiatives through the World of Work Summit on Climate Change, efforts made in respect of the 2030 Agenda, with its explicit goal on decent work, and through intense participation in the G20 process, all of which were made possible thanks to the active engagement of its tripartite constituents. Political momentum had been generated by the successful Conference held in June, for which feedback pointed to overall satisfaction, though there was room for further improvements. The Recommendation concerning the Transition from the Informal to the Formal Economy, 2015 (No. 204), constituted a unique and very timely global policy framework. Likewise, the success of the work of the Conference Committee on the Application of Standards helped pave the way to the launching of the Standards Review Mechanism, for which terms of reference were expected to be adopted at this Governing Body session. Confidence around standards-related matters had been restored, and its preservation would be a shared responsibility.
4. The Governing Body had before it an unusually large number of country-specific items arising from complaints under article 26 of the ILO Constitution. It had a responsibility to deal with them through strict adherence to the established rules, due process, and exclusive reference to the issues involved. The ILO’s agenda for migration had rapidly moved to the top of the Organization’s policy agenda and was one of the ten policy outcomes for the next biennium. In light of this, and of the sheer volume of people involved in the current world crisis, the debate the Governing Body would hold on this subject at its current session was overdue and very necessary. The ILO would not, however, become involved in the humanitarian issues related to the current migrant crisis – which were properly the domain of other international organizations. Nevertheless it should, within its mandate and resources, take up fully its responsibilities in respect of the crisis’ considerable labour market implications. Lastly, the business process review under way meant the implementation of the eleven-point reform commitment, issued on the Director-General’s first day in office, was nearing completion, which – even with its shortcomings – was in itself reason for satisfaction.

## First item on the agenda

### Approval of the minutes of the 324th Session of the Governing Body (GB.325/INS/1)

#### ***Decision***

5. *The Governing Body approved the minutes of its 324th Session.*

(GB.325/INS/1, paragraph 2.)

## Second item on the agenda

### Agenda of the International Labour Conference (GB.325/INS/2)

6. *The Worker spokesperson* said that his group was in favour of placing an item on the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006 (MLC, 2006), and on the adoption of amendments to the annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), on the agenda of the 2016 session of the Conference. He considered that the importance of the ILO centenary justified a high-level political tripartite commitment in the form of a Centenary Declaration at the 2019 session of the Conference, provided that it did not set a lower level of ambition than past declarations and was followed up with action. The evaluation of the Social Justice Declaration would have to inform any future Centenary Declaration. The group supported a Convention supplemented by a Recommendation on violence against women and men in the world of work for a double discussion in 2017 and 2018. Violence against women and men at work remained one of the most pernicious human rights abuses in the world of work, took many forms and cost the global economy millions of dollars in health care, court cases, lost wages and sick pay. While women were disproportionately affected, men also suffered from forms of violence in the workplace. People were often reluctant to report acts of workplace violence for fear of reprisals or due to a lack of effective procedures in place for reporting such acts. In most countries, action to combat workplace violence focused on criminal law, which would not cover day-to-day workplace violence. There was currently no international labour standard providing a comprehensive legal framework to prevent, address and redress violence against women and men in the workplace. UN-Women and the European Economic and Social Committee of the European Union had expressed support for the adoption by the ILO of an international labour standard to address gender-based violence at work. Such a standard could be valuable for workers and for governments and employers by addressing the direct and indirect costs of violence at work incurred through absenteeism, lower productivity, high turnover and reputational damage. It could also provide guidance to the tripartite constituents on how to: prevent, address and redress violence at work and sexual harassment; reduce vulnerability to violence; address violence towards workers providing services; create a workplace culture where violence was not tolerated; and help employers to prevent violence at work and address its consequences, including grievance and complaints procedures. His group considered that a general discussion would not put the issue sufficiently high on the agenda and ensure that appropriate action was taken to eradicate that scourge. The group believed that it would be possible to have two standard-setting items at the Conference. As the 2019 session of the Conference would be devoted to the future of work centenary initiative, it was important for the standard-setting discussion on workplace violence to take place at the 2017 session of the Conference to avoid a one-year gap in consideration of the standard. Tripartite consultations on the content of the standard could be held prior to the Conference. His group supported holding a general discussion on labour migration at the 2018 session of the Conference with a focus on fair recruitment and effective governance of migration with a view to identifying possibilities for standard setting. His group did not support the proposal to hold a general discussion on effective ILO development cooperation in support of the Sustainable Development Goals (SDGs), as any discussion on the 2030 Agenda for Sustainable Development required an integrated and holistic discussion of SDG 8, decent work targets in other SDGs, and effective development cooperation in support of ILO action on SDGs. Given that the Director-General's report to the 2016 session of the Conference would concern the SDGs, a discussion on the effect given by the ILO to the SDGs, including through development cooperation, should take place at the November 2016 session of the Governing Body. He also recommended keeping a slot open on the agenda of the 2018 session of the Conference for the recurrent discussion under the Social Justice Declaration and supported the proposal for

standard setting to ensure the independence, impartiality and protection of certain categories of public service workers, as well as the inclusion of an item on the abrogation of Conventions Nos 4, 15, 28, 41, 60 and 67 in the agenda of the 2017 session of the Conference. The group agreed with the procedural roadmap contained in paragraph 33 of the document.

7. *The Employer spokesperson* said that his group supported the updated strategic and coherent approach to setting the agenda of the 2017, 2018 and 2019 sessions of the Conference and the procedural roadmap. However, it was important to ensure tripartite ownership and flexibility in the selection of Conference agenda items and that the SDGs and outcomes of previous discussions would be taken into account. In light of the pressing need to improve migration governance at national, bilateral, regional and interregional levels, including regulation of labour recruitment and placement services, his group was in favour of holding a general discussion on labour migration at the 2017 session of the Conference. The topic had come to the forefront of the international agenda in the wake of the refugee crisis and the ILO should show that it could act when circumstances required. There was a need to create transparent and efficient immigration systems and to provide more avenues for regular migration to prevent people from resorting to smugglers and traffickers. Despite the political battles over immigration taking place in many countries, governments around the world recognized the economic importance and potential benefits of immigration. Labour mobility was the unfinished business of globalization. The ILO had a major role to play in promoting international cooperation and putting into place migration policy responding to the mobility needs of the twenty-first century. While his group agreed that the ILO should take up the issue of violence against women and men in the world of work, more focused preparation was required before the topic could be tabled for a standard-setting discussion at the Conference. In particular, there was a need to clarify the definition, scope and possible outcomes of such a discussion. A meeting of experts should be convened, followed by a general discussion at the Conference to determine whether the adoption of an international labour standard was the most appropriate course of action. A standard with a broad scope would be impracticable and deter ratification. Moreover, such a standard could result in obligations for employers outside the workplace and it was unclear whether the scope of the standard would extend to all forms of gender-based violence, which might include violence against lesbian, gay, bisexual and transgender (LGBT) people. His group feared that a standard-setting discussion on workplace violence, without proper preparation and scoping, could give way to a discussion on social and cultural norms and not produce a ratifiable text. His group did not consider it would be possible to have a stand-alone general discussion on development cooperation in 2017, but that it could be integrated into a broader discussion on the end of poverty initiative, the ILO's role in the implementation of the 2030 Agenda for Sustainable Development, or as part of the evaluation of the Social Justice Declaration in 2016.
8. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Japan said that his group was in favour of holding a general discussion on effective ILO development cooperation in support of the SDGs at the 2017 session of the Conference, especially in view of the adoption of the 2030 Agenda for Sustainable Development. A general discussion would provide an appropriate setting for reviewing the ILO's contribution to achieving the SDGs and the evaluation of the impact of the field reform initiated in 2013. Further clarification was needed on the scope and definition of the item on workplace violence, as well as on the format of the outcome of the discussion. If that item was to be the subject of a standard-setting discussion, it should not be placed on the 2017 session of the Conference agenda to avoid holding two standard-setting discussions at the same session. Finally, it was important not to confuse labour migration issues within the ILO's mandate to protect workers, with the humanitarian protection of refugees. The item on labour migration should be placed on the agenda of a future session.

9. *Speaking on behalf of Denmark, Finland, Iceland, Netherlands, Norway and Sweden*, a Government representative of Norway said that while workplace violence was an urgent and highly topical issue, it also posed a range of challenges. It was important to determine the usefulness of the existing legal framework and to identify any gaps that should be addressed. Several Conventions already dealt with various aspects of workplace violence and so a standard-setting exercise could involve revision of existing instruments or the development of a new instrument. He recommended holding a general discussion that could lead to a standard-setting exercise. It would be useful to hold the general discussion in conjunction with the discussion on the women at work centenary initiative, scheduled to take place in 2018. He was in favour of holding a general discussion on labour migration at the 2017 session of the Conference, as it could serve to follow up on the 2016 General Survey on instruments concerning migrant workers. The item on effective ILO development cooperation in support of the SDGs should be retained for inclusion in the agenda for the 2018 session of the Conference, when it would be informed by the Director-General's Report to the 2016 session of the Conference.
10. *Speaking on behalf of Austria, Belgium, Canada, France, Germany, Greece, Italy, Lithuania, Luxemburg and United States*, the Government representative of Germany supported the addition of the standard-setting item on violence against women and men in the world of work to the agendas of the 2017 and 2018 sessions. No ILO instrument provided a comprehensive framework to prevent, address or redress workplace violence, which was one of the most serious human rights abuses in the world of work. It would be possible to address two standard-setting items during the 2017 session. A general discussion on labour migration should be held post-2017.
11. *The Government representative of India* said that the standards review mechanism was a fundamental and timely initiative and expressed satisfaction that the reform process was reaching a decisive point. It was essential to strengthen the strategic and policy approach in order to effectively address the 2030 Agenda. She supported the item on effective ILO development cooperation in support of the SDGs being placed on the agenda of the 2017 session of the Conference. The discussion should focus on gaining insight into how the world of work perceived the ILO's position and role in achieving the SDGs. She continued to support generally the item on workplace violence but considered further clarity to be required before the topic was considered. The discussion on labour migration should address the larger picture of labour mobility and ensuring decent work for all workers, including migrants, and should not be mixed with the current refugee crisis. She supported the proposal to seek approval for the amendments to the MLC, 2006, and Convention No. 185.
12. *Speaking on behalf of the Africa group*, the Government representative of Kenya sought clarity as to why the main document proposed three agenda items while the draft decision only listed two. The group supported the provisional placement of an item seeking approval of the proposed amendments to the MLC, 2006, and Convention No. 185, as well as the need to link the outcomes of the 2015 session of the Conference and the 2030 Agenda to future proposals. It supported the adoption of a Centenary Declaration and welcomed the end of poverty centenary initiative as the topic of the Director-General's Report to the 2016 session of the Conference. The Africa group appreciated the procedural roadmap and looked forward to receiving progress reports. The group supported the labour migration item being added to the 2017 agenda in light of the pressing need to improve migration governance and as it was key to the future of work initiative, as was demonstrated during the discussion on the refugee crisis. The group also supported the proposed item on development cooperation in support of the SDGs being included on the 2017 agenda. Workplace violence should be discussed as a standard-setting item in 2018.
13. *The Government representative of Turkey* agreed that a general discussion on labour migration should be added to the 2017 agenda. He supported the integration of the item

concerning development cooperation in support of the SDGs into a broader discussion of the ILO's role in promoting the 2030 Agenda. He supported placing the item on gender-based violence on the agenda for the 2018 session, and supported the inclusion of an item to approve amendments to the MLC, 2006, and Convention No. 185 on the agenda for the 2016 session.

14. *The Government representative of Mexico* favoured placing the item on labour migration on the agenda for 2018. Continuing discussions on labour migration would allow the development of tools for implementing a strategic framework for labour migration. An item on workplace violence should be included on the agenda of the 2017 session of the Conference and his Government would join the consensus regarding whether it should be a standard-setting or a general discussion. However, dealing with two standard-setting items during one session of the Conference would be a challenge. The Office would need to hold the required meetings and consultations.
15. *The Government representative of the Republic of Korea* agreed to an item allowing for the approval of amendments to the MLC, 2006, and Convention No. 185 on the agenda of the 2016 session of the Conference. She supported the inclusion of the item on development cooperation in support of the SDGs, stressing that constituents should actively engage in the implementation of the 2030 Agenda for Sustainable Development. She supported the topic of the relationship between employment and social protection as an additional agenda item of the Conference for future review and asked the Office to prepare a report in that regard. In light of the approaching centenary celebration, constituents should be strategic and coherent in selecting agenda items.
16. *The Government representative of Brazil* reiterated his support for a standard-setting double discussion in 2017 and 2018 on workplace violence. He also supported the inclusion of an item on the agenda of the 2016 session of the Conference for the approval of amendments to the MLC, 2006, and Convention No. 185. The item on labour migration should be discussed in 2018, following the General Survey discussion in 2016. A future discussion on ILO development cooperation in support of the SDGs should address not only the effectiveness of the ILO's contribution but also whether it was sufficient.
17. *A Government representative of China* said that given the recent adoption of the 2030 Agenda for Sustainable Development, the top priority for United Nations (UN) institutions, including the ILO, should be how to implement the SDGs. As development cooperation could help constituents improve their capacity to implement the SDGs, the item on development cooperation in support of the SDGs should be discussed in 2017.
18. *A Government representative of Italy* supported the inclusion of the item on workplace violence as a standard-setting discussion, which was linked to the women at work centenary initiative and protecting workers against unacceptable forms of work. It could lead to an internationally recognized definition of violence in the world of work. She supported the inclusion of an item allowing for the approval of amendments to the MLC, 2006, and Convention No. 185 on the agenda for 2016, and the discussion of a centenary declaration in 2018. An item on development cooperation to support the SDGs should be developed and discussed at the Conference in 2019, when attention could be focused on the role of the ILO in relation to the 2030 Agenda for Sustainable Development. An item on labour migration should be added to the 2018 agenda.
19. *The Government representative of Zimbabwe* supported the inclusion of labour migration as a general discussion.
20. *A representative of the Director-General* (Deputy Director-General, Management and Reform) summarized that there had been no opposition to the inclusion of the maritime and



abrogation items. A great deal of guidance had been provided in relation to draft decision point 11(d), which the Office would take into account. While virtually all speakers had expressed support for the item on violence against women and men in the world of work, there was disagreement on whether it should be discussed in 2017 or 2018 and, furthermore, whether it should be included as a standard-setting item. The Employers, among others, had suggested that before being discussed as a standard-setting item, there should be further discussion as to its scope, perhaps as a general discussion item. Equally, there had been no objections voiced regarding the general discussion item on labour migration. While most speakers supported its inclusion on the agenda for 2018, others, including the Africa group and the Employers, preferred it to be discussed in 2017. A number of speakers supported inclusion of the item on development cooperation in support of the SDGs on the agenda for 2017, but several others were opposed. The Workers and the Employers preferred it to be incorporated in the discussion on the Director-General's report on the end to poverty initiative. Therefore, clarification on the scope and nature of the two items that received the greatest support – violence against women and men, and labour migration – was needed.

21. *The Chairperson* suggested adopting draft decision subparagraphs (b), (c) and (d) and adopting subparagraph (a) at a later date.
22. *Speaking on behalf of ASPAG*, a Government representative of Japan said his group could be flexible regarding the development cooperation agenda item. Its second preference for 2017 was the topic of migrant workers as it was an urgent matter.
23. *A Government representative of Norway* clarified that she was in favour of migration being discussed in 2017.
24. The Governing Body decided to postpone the adoption of the draft decision.

## **Revised draft decision** (GB.325/INS/2(Add.1))

25. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the revised draft decision was based on the previous discussion in the Governing Body and sought to achieve a balance between the positions adopted by its members, as set out in a table summarizing the diversity of views that had been transmitted to the regional coordinators and the Workers' and Employers' groups by the Office.
26. *The Employer spokesperson* said his group supported the revised decision, although it had preferred a general discussion on violence against women and men in the world of work. He appreciated that the revised decision, while not fitting all the group's requests, reflected very well the numbers presented in the useful table.
27. *The Worker spokesperson* said that the draft decision represented a valuable compromise.
28. *A Government representative of Germany* said that the following countries aligned themselves with the statement: Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Italy, Lithuania, Norway, Romania, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States. The revised draft decision was a good compromise.
29. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that, in a spirit of compromise, the group would support the proposal to place the item on violence against women and men in the world of work on the agenda for 2018, although it had originally not wished the discussion to appear as a standard-setting item. Furthermore, while it would support the point concerning the item on effective ILO development cooperation in

support of the SDGs, development cooperation was a very important issue for the group, and it should not be allowed to get lost in the agenda-setting framework.

30. *Speaking on behalf of ASPAG*, a Government representative of India said that the group was prepared to join the general consensus, with the same caveat that the issue of development cooperation should not be lost in setting the agenda of future Conference sessions.
31. A Government representative of Brazil said that his Government understood that the tripartite meeting of experts would be convened in accordance with paragraph 20 of the Compendium of rules applicable to the Governing Body.

## Decisions

32. *The Governing Body decided to complete the agenda of the 106th Session (June 2017) of the Conference by placing an item on labour migration with a view to a general discussion.*
33. *The Governing Body decided:*
  - (a) *to place a standard-setting item on “Violence against women and men in the world of work” on the agenda of the 107th Session (June 2018) of the Conference; and*
  - (b) *to convene a tripartite meeting of experts to provide guidance on which basis the Governing Body will consider, at its 328th Session (November 2016), the preparations for the first discussion of possible instruments by the Conference.*
34. *The Governing Body decided:*
  - (a) *to provisionally place an item on the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006, on the agenda of the 105th Session (June 2016) of the Conference, subject to the submission of any amendments adopted by the Special Tripartite Committee in February 2016, along with the adoption of amendments to the annexes to the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), as proposed by the Ad Hoc Tripartite Maritime Committee in February 2016;*
  - (b) *to place on the agenda of the 106th Session (June 2017) of the Conference an item on the abrogation of Conventions Nos 4, 15, 28, 41, 60 and 67.*
35. *The Governing Body requested the Director-General to take note of the guidance provided on:*
  - (a) *the implementation of the strategic and coherent approach to the setting of the agenda for the 106th (2017), 107th (2018) and 108th (2019) Sessions of the Conference, including consideration of a possible Centenary Declaration;*
  - (b) *the action to be taken with regard to the item on “Effective ILO development cooperation in support of the Sustainable Development Goals” (general discussion).*

(GB.325/INS/2(Add.1), paragraphs 1, 2, 3 and 4.)

## **Financial arrangements for a Meeting of Experts on Violence against women and men in the world of work** (GB.325/INS/2(Add.2))

### **Decision**

- 36.** *The Governing Body decided that the cost of the Meeting of Experts on Violence against women and men in the world of work, estimated at US\$327,000, be financed, in the first instance, from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.325/INS/2(Add.2), paragraph 6.)

### **Third item on the agenda**

## **Preparation for the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization by the 105th Session of the International Labour Conference (2016)** (GB.325/INS/3)

- 37.** *The Employer spokesperson* said that the Office report to the Conference should focus on how the ILO had implemented the Social Justice Declaration. A discussion based on “a concise and yet comprehensive summary of the path of globalization since 2008” would be too broad. The focus should be on evaluation of the activities carried out to give effect to the Declaration and how the ILO had changed its working methods in order to implement the Declaration. The report to the Conference should look at all the ILO’s means of action, not only labour standards but also technical assistance, capacity building, research and information sharing. Information from the implementation reports should also contribute to the report to the Conference. Reference should be made to work done on the adoption of social protection floors, mobilization of the Standards Review Mechanism and the new two-week format of the Conference. The report should reflect the many reforms undertaken by member States as described in their replies to the questionnaire, viewed in the context of the Declaration.
- 38.** The tripartite format of a general discussion would be the most appropriate instrument, which would also optimize the two-week format of the Conference. It would be useful to have outside expertise at the beginning of the deliberations, but the evaluation should be done through deliberations and negotiations among the tripartite constituents. The Employers’ group had been critical of the recurrent discussions, as they had tended to be general debates rather than enabling a better understanding of the diverse realities and needs of member States. The recurrent discussions would be reviewed at the 105th Session of the Conference to find a better format to make them fit for purpose. The group accordingly recommended that the decision on the next cycle of recurrent discussions should be made by the Governing Body at its 328th Session (November 2016).

39. *The Worker spokesperson* said he welcomed the Office's efforts to ensure constituents' involvement in the evaluation. He supported the key elements proposed for inclusion in the Office report to the Conference in terms of actors, action and impact. However, the focus should be evenly on good practices and persistent challenges or gaps. In order to strengthen national-level tripartism, while ensuring a balance between the four strategic objectives of the Decent Work Agenda and cross-cutting issues, the section of the report on action by Members must address a range of issues, including the status of Decent Work Country Programmes (DWCPs) and their links to national economic and social policies, the coverage of the four strategic objectives, whether the ILO had successfully reinforced social dialogue through the use of Convention No. 144 and whether the ratification of international labour standards was discussed and pursued with ministries and parliaments. Discussions at the 2016 session of the Conference should be structured to benefit from the involvement of different ministries. Members' cooperation with one another was important, but should not detract from the emphasis on national-level bipartism and tripartism. The section on ILO capacity and governance should focus on Office support to constituents to help them achieve the four strategic objectives, and should contain an honest assessment of what worked and what did not. The section on ILO action should discuss the establishment of peer reviews and provide a brief analysis of the Organization's support to Members, with specific reference to elements A–D in Part II of the Annex. The section on partnership building should not refer to groups of States but specifically to Part II(A)(v) of the Declaration, which called for the development of partnerships with non-state entities and economic actors. The section on international and regional action should address policy coherence between the ILO and other multilateral organizations through promotion of effective partnerships.
40. He supported the proposed Conference arrangements to pursue innovative settings for the discussion. Delegates should benefit from regional and international organizations' participation during the first week, prior to the drafting of the conclusions. A Committee of the Whole, as well as an interactive debate with guest speakers and organizations, would ensure the widest participation. A drafting group should be convened. If consensus on the cycle and sequence of the recurrent discussions was not reached at the current session, the matter should be decided in June 2016, which would allow better preparation by the Office and constituents than if a decision was deferred until November 2016. The strategic objective to be discussed in 2018 should not be decided on an ad hoc basis, as that would break the recurrent discussion cycle. The planned 2016 consultations on the Conference discussion should include the matter of future recurrent discussions in order to facilitate building consensus at the June 2016 sessions of the Conference and of the Governing Body.
41. *Speaking on behalf of ASPAG*, a Government representative of China expressed the hope that the evaluation of the Declaration would enable the ILO to better assist member States in implementing the 2030 Agenda by identifying challenges to achieving decent work for all and follow-up actions. Regarding Conference arrangements, ASPAG preferred the appointment of a technical committee with flexible arrangements, which would allow for wider participation. The decision on the next recurrent discussion cycle should be deferred until November 2016, so that the outcome of the evaluation at the Conference could be taken into consideration.
42. *Speaking on behalf of the industrialized market economy countries (IMEC)*, a Government representative of Australia said she looked forward to receiving further details about the contributions of regional and international organizations, including synergies between the Declaration, the Global Jobs Pact, the work of the G20 and the 2030 Agenda. She expressed the hope that the Office would prepare for the Conference and draft its report in a timely manner. IMEC supported the suggested structure and content of the report, particularly the proposed analysis of tripartite constituents' actions to identify good practices and persistent challenges. The Conference discussion should be as open as possible and engage diverse participants to enable a thorough evaluation. The debate should be conducted either as a

technical committee or a Committee of the Whole, but without a parallel plenary discussion. Interactive panel discussions should take place within the committee, not in plenary. The decision on the next recurrent discussion cycle should be deferred until November 2016.

43. *Speaking on behalf of the Common Market of the Southern Cone (MERCOSUR)*, a Government representative of Argentina, referring to the proposed section of the report on action at the international and regional levels, said that in July 2015 it had adopted the updated MERCOSUR Social and Labour Declaration, which supported the objectives of employment and decent work as part of a regional integration process. The Declaration demonstrated the importance ascribed by MERCOSUR countries to labour issues, and had inspired them to establish regulatory frameworks designed to reduce inequality and promote social justice. The MERCOSUR Declaration was seen as an example of the positive impact that the 2008 ILO Declaration had had in the subregion.
44. *Speaking on behalf of the Community of Portuguese-speaking Countries (CPLP)*, a Government representative of Brazil said that the Decent Work Agenda occupied a prominent place in the ILO–CPLP Memorandum of Understanding, and that CPLP countries had established and benefited from partnerships aimed at its implementation, including South–South and triangular cooperation partnerships. The recent Multilateral Agreement on Social Security in the CPLP was an example of its regional cooperation in support of decent work.
45. *Speaking on behalf of the Africa group*, a Government representative of Ghana said it would have been useful to have an indication of the response rate to the questionnaire, and how that would affect the evaluation. A summary of globalization since 2008 would be welcome in the report, and would help delegates to develop an implementation roadmap. With regard to Conference arrangements, the group supported the establishment of a Committee of the Whole, which would facilitate broad participation and flexible discussion. It supported a Governing Body decision at the current session in favour of a five-year recurrent discussion cycle, which would allow social security to be discussed separately from labour protection.
46. *A Government representative of India* said that the evaluation would provide a way forward for attaining the 2030 SDGs. She preferred appointing a technical committee with flexible arrangements and deferring the decision on the next cycle of recurrent discussions until November 2016.
47. *A Government representative of China* endorsed the elements proposed for inclusion in the report. The main components of the Decent Work Agenda, which the Declaration sought to implement, were also contained in the 2030 Agenda – which had recently become a priority for the UN system. Therefore, the ILO should focus more on the targets of the 2030 Agenda that pertained to its mandate when developing a roadmap for implementing the Declaration. Its implementation was of great importance and his Government had taken various measures in that regard, including to generate employment and promote harmonious labour relations. It was currently updating its Memorandum of Understanding with the ILO to promote decent work at both the national and international levels. He noted with pleasure that document GB.325/INS/3 had been translated into Chinese. Greater availability of translated documents would inspire a wider Chinese audience to pursue the Declaration's objectives. His Government preferred the second option in paragraph 19 and considered that the Governing Body session in November 2016 would be a better time for a decision on the next cycle of recurrent discussions.
48. *A Government representative of Zimbabwe* said she looked forward to seeing the results of the questionnaires, which had enabled member States to furnish detailed information. The ILO should fully implement the Declaration to give effect to Goal 8 of the 2030 Agenda,

which was the bedrock of the Decent Work Agenda. She supported the appointment of a Committee of the Whole.

49. *Speaking on behalf of the Arab group*, a Government representative of Sudan said it was vital to review global developments with a potential impact on the effectiveness of the Organization and Members' efforts to achieve the Declaration's aims, including the 2030 Agenda. The social dimensions of globalization must be a focus, particularly any negative impact on developing countries, including Arab countries. Interactive panel discussions between regional and international organizations and experts could yield positive conclusions and enable member States to benefit from experiences with integrating decent work. There should be sufficient flexibility and participation to reach a solid tripartite consensus.
50. *A representative of the Director-General* (Deputy Director-General, Management and Reform), in response to comments and questions, said that the return rate of questionnaires had been excellent and the responses evenly distributed across the regions, giving a good snapshot of the status of implementation of the Declaration. With regard to the Employers' comments on the overview of the path of globalization since 2008, the intention had been to give only a brief outline because the world economy had shifted significantly since the adoption of the Declaration. The intention of the assessment would not be to look only at international labour standards, but at all action taken by the ILO, the constituents and other organizations. The Office had sought input from every department on their activities pertaining to the Declaration.
51. Turning to the Workers' comments, he confirmed that the idea had been to ensure that what had worked could be shared more broadly with the constituents, and what had not worked could be remedied. The Office would continue to encourage various ministries, not just labour ministries, to attend the Conference, in consultation with Government members. Indeed, the questionnaire issued to governments addressed the extent of consultation with and collaboration between various ministries, and the Office had already indicated a desire to ensure wide government representation in the discussion. Regarding efforts to seek the participation of other organizations, the Office had recently held consultations with UN agencies in Geneva and New York and had met with the World Bank, the International Monetary Fund and the International Finance Corporation in Washington, as well as with the European Union (EU) and the Organisation for Economic Co-operation and Development. He noted the Employers' view that it should not turn into a "tripartite-plus" discussion, although they would welcome the participation of those external organizations, perhaps in the first few days. The balance between both aspects of the discussion would be pursued.
52. The only difference between a Committee of the Whole and a flexible technical committee was that all delegates to the Conference were able to participate in the former; the Office initiated an invitation to all delegates to the Conference to participate in a Committee of the Whole, whereas in the latter, it was up to delegates to sign up to be a member of the technical committee. Thus, there was a semantic, but also a symbolic, difference between the two, in that the Committee of the Whole had a higher status. The flexibility in arranging the nature of the discussion and the modalities for the discussion would be identical. Therefore, he suggested adopting the modalities based on a Committee of the Whole for the discussion.
53. With regard to deciding on the next cycle of recurrent discussions and its format, he said that it would make sense to consider the matter in June 2016, following the discussion, when a clear idea of the options or the favoured approach should emerge. That would give the Office additional time to prepare for the initial discussion, potentially in 2018. He suggested placing the item on the agenda for June 2016, on the basis that, if there was not sufficient clarity, the Governing Body could return to it in November 2016.

54. *The Employer spokesperson* said that, on the basis of the conclusions drawn by the Deputy Director-General, the Employers could support the draft decision.
55. *The Worker spokesperson* said that the Workers agreed with the proposals made by the Deputy Director-General.

## **Decision**

### **56. The Governing Body:**

- (a) *recommended that the 105th Session (2016) of the International Labour Conference should appoint a Committee of the Whole to deal with item VI on its agenda: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization;*
- (b) *deferred the decision on the cycle of recurrent discussions to its 327th Session (June 2016) or, if that should not prove practical immediately following the 105th Session of the Conference, to its 328th Session (November 2016).*

(GB.325/INS/3, paragraph 28, as completed by the Governing Body.)

## **Fourth item on the agenda**

### **Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.325/INS/4)**

57. *The Employer spokesperson* welcomed the fact that even those countries that had not ratified a particular Convention had shown that they respected the principles of the ILO Declaration on Fundamental Principles and Rights at Work. It was important to remain aware of national contexts and legislative frameworks. With respect to the recognition of freedom of association and collective bargaining, he noted that the slow progress in ratification of the eight fundamental Conventions showed that time was needed for countries to address historical, cultural and religious attitudes towards rights. Prior to ratification, States should develop national systems and mature industrial relations. He expressed concern that governments might proceed with the ratification of a core Convention without extensive tripartite consultation. Ratification per se was not the objective; the effective implementation of the fundamental principles was key. When considering ratification, member States should first make sure that the Convention could be effectively implemented at the national level. With respect to forced labour, child labour and discrimination, he commended government efforts to change mindsets and social attitudes at the national level, which was a prerequisite for the practical realization of the principles and rights. He also commended efforts to ensure legal compatibility before considering ratification.
58. The Employers sought reassurance that technical assistance received the priority it deserved, and asked whether the Office had allocated sufficient financial and human resources to meet requests from member States for technical assistance, particularly following the restructuring of the Fundamental Principles and Rights at Work Branch in 2015. He requested more information on policy and technical provision for the period after the end of the ILO plan of action in 2016 and the approval of a new plan in November 2017. Supporting the draft decision, the Employers encouraged the Office to continue its focus on: leading the

knowledge agenda, advocacy and information dissemination; supporting regional priorities at headquarters, field offices and the Turin Centre; capacity building and strengthening the role of social partners as a priority, with the involvement of ACTRAV and ACT/EMP; and strengthening international partnerships with major international actors, including in work on Goal 8 of the 2030 Agenda.

59. *The Worker spokesperson* welcomed the 100 per cent reporting rate for the fifth consecutive year and the fact that observations from the social partners had increased. However, he expressed concern at the slow progress of ratifications, particularly of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In the light of the forthcoming centenary celebrations, the ILO should step up its efforts to increase ratification rates for the eight core Conventions, and especially for Conventions Nos 87 and 98. The Social Justice Declaration had identified the rights enshrined in the two Conventions as “enabling rights”; however, it was regrettable that over half the world’s population lived in countries that had not ratified one or both of those Conventions. Many of those governments were members of the Governing Body, and he urged the 35 countries that had not yet done so to ratify them.
60. He expressed concern that most of the requests for technical assistance on ratification in the past decade had remained unmet due to a lack of resources, and that many reporting States had expressed frustration. He urged the ILO and its member States to allocate the necessary resources, and regional and country offices to mobilize more resources and better support member States’ efforts to ratify the Conventions. He also encouraged the Office to adopt a strategy to enhance interaction between the fundamental Conventions, and to better reflect the key role of Conventions Nos 87 and 98 as enabling rights. Greater use should be made of DWCPs to promote the ratification and implementation of fundamental Conventions. Funds should also be allocated to strengthening workers’ organizations’ capacity to promote the effective realization of fundamental principles and rights at work. He invited the Office to improve collaboration between the ILO departments and field structures responsible for implementing the action plan on fundamental principles and rights at work, with the involvement of ACTRAV and ACT/EMP. The Workers’ group supported the draft decision.
61. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group was encouraged by the positive reporting rate, but was concerned that, despite increased expressions of intent, only eight further ratifications had been registered in 2015. There was a need for more targeted interventions by the ILO and stakeholders to help countries overcome ratification difficulties. Of particular concern was the low ratification rate of Conventions Nos 87 and 98, which provided the framework under which all other principles were anchored. He suggested that the review should include details of the technical resource budget allocations for each category of standards, disaggregated by source, region and country. He asked why there had been a significant drop in the number of countries achieving full ratification between 2008 and 2015 compared to 2000 to 2008. He supported postponing the Annual Review to November 2016, and endorsed the draft decision.
62. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the EU and its Member States supported the ILO’s important role in developing, promoting and supervising international labour standards, and were committed to promoting universal ratification and implementation of the ILO core labour standards. He welcomed the 100 per cent reporting rate and the further eight ratifications of fundamental Conventions since June 2014, and urged member States that had not ratified those Conventions to strengthen their efforts in that direction. He commended Niger on being the first State to ratify the Protocol of 2014 to the Forced Labour Convention, 1930, and Norway on its recent ratification. The EU had decided to promote rapid ratification of the Protocol



by its Member States. He welcomed the proposed integration of the Protocol of 2014 under the reporting obligations of the Declaration. He supported the draft decision.

- 63.** *A representative of the Director-General* (Director, International Labour Standards Department) said that restructuring had enabled the Fundamental Principles and Rights at Work Branch to improve its internal coordination in providing follow-up on all four fundamental principles and rights at work. The Office was committed to providing systematic follow-up to the requests for technical assistance from member States. That would be monitored closely in the upcoming programming exercise, with planning in coordination with the field offices and ACTRAV and ACT/EMP. Beyond the ILO, a meeting had been held with the major actors working on target 8.7, on child labour and forced labour, of the 2030 Agenda to discuss coordinating activities to promote fundamental principles and rights at work. With regard to the call for a campaign to increase ratification of the Conventions, the “50 for freedom” campaign aimed to promote ratification of the Protocol of 2014 to the Forced Labour Convention. The recent news that Norway had ratified the Protocol meant that the ILO had the two ratifications required for the entry into force of the Protocol one year later.

## **Decision**

- 64.** *The Governing Body took note of the information presented in this review and:*
- (a) invited the Director-General to further take into account its guidance on key issues and priorities;*
  - (b) reiterated its support for the mobilization of resources with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work;*
  - (c) requested the Office to prepare and submit for adoption at its 326th Session (March 2016) a questionnaire in relation to the Protocol of 2014 to the Forced Labour Convention, 1930. This questionnaire would be sent to members States in line with their obligations to report under article 19, paragraph 5(e,) of the ILO Constitution, with respect to unratified instruments in relation to one of the four categories of fundamental principles and rights at work;*

*(d) postponed the next review until November 2016.*

(GB.325/INS/4, paragraph 133.)

## **Fifth item on the agenda**

### **Matters arising out of the work of the 104th Session of the International Labour Conference**

#### **Follow-up to the resolution concerning the recurrent discussion on social protection (labour protection)** (GB.325/INS/5/1)

65. *The Employer spokesperson*, while commending the Office on the proposed plan of action for achieving inclusive, comprehensive and effective labour protection for all workers, in line with the conclusions reached at the 2015 Conference, noted with concern that the ILO's proposed approach to extending labour protection to all workers was out of step with the transformations occurring in the world of work, especially in respect of non-standard forms of employment. The proposed plan of action was not forward-looking and appeared to amount to an attempt to maintain the status quo or to recreate the past in terms of labour protection. The proliferation of non-standard forms of employment necessitated the development of new forms of social protection. It was no longer sufficient to simply identify and close gaps in social protection coverage, nor was it feasible to extend the scope of forms of social protection designed for workers in traditional employment relationships to non-standard employment relationships. Social protection floors should be tailored to the specific needs of each country and take account of critical issues such as funding. Given that employment contracts could one day cease to be the main vehicle for providing labour protection, it was important to consider other, more innovative, mechanisms which could meet that need. Such mechanisms should be developed on the basis of reliable data on new forms of employment. The ILO should continue its efforts to standardize data definitions and play an active role in revising the 1993 International Classification of Status in Employment (ISCE-93). Governments too should contribute to the process of accumulating reliable data on labour market trends. There was also a need to review labour inspection policy in the light of current labour market conditions. In future, more prominence should be given to the positive aspects of labour inspection, such as the provision of guidance and advice and the sharing of knowledge and good practices.
66. Noting that the Office's approach to improving labour protection hinged on the promotion of the ratification and implementation of existing international labour standards, she recalled that, while standards relating to labour protection did not explicitly exclude workers engaged in non-standard forms of employment, those instruments likely did not provide adequate guidance. While that situation could be remedied directly through the adoption of national legislative measures, a further standards-related initiative could also be warranted. The revision of existing standards should take precedence over the creation of new ones. She was not in favour of convening a meeting of experts to identify possible gaps in standards on non-standard forms of employment, as the Standards Review Mechanism could likely accomplish that task without the need for another meeting. Standards were an essential tool at the ILO's disposal to assist constituents in affording workers adequate labour protection. That objective could only be achieved by taking a multi-faceted approach which took account of the diverse situations in member States. While her group agreed on the need for

the Office to take action to combat workplace violence, much preparation would be required before that topic could be tabled for a standard-setting discussion at the 2017 session of the Conference, particularly if the aim of such a discussion was to produce a ratifiable text that would have an impact on the ground. A meeting of experts should be convened to determine the feasibility of adopting such a standard. She hoped that future plans of action would take better account of the reality of the current situation of labour protection and propose new and innovative protection mechanisms. She supported the draft decision.

67. *The Worker spokesperson* agreed with the need to achieve inclusive, comprehensive and effective labour protection for all workers, including those engaged in non-standard forms of employment. The ILO had a duty to ensure that all international labour standards remained in step with the transformations occurring in the world of work, that new forms of employment were adequately regulated and that the rights of workers engaging in them were protected. The discussion held at the 2015 Conference had taken stock of the past and present situation of labour protection and provided an insight into future developments in that regard. It had also served to identify gaps in workers' protection and to propose solutions. Technical assistance in designing and applying laws and policies that guaranteed all workers adequate labour protection should not only be provided to member States but also to workers' and employers' organizations. The holding of two meetings of experts to ensure that regulatory gaps in standards on non-standard forms of employment and working time and work-life balance were addressed were a priority for her group. She would welcome the preparation of a guide to existing instruments relating to non-standard forms of employment. At the 2015 Conference, a consensus had been reached on the need to identify gaps in international labour standards and determine whether additional international labour standards should be developed to fill those gaps. Moreover, the recently adopted terms of reference of the Standards Review Mechanism Tripartite Working Group provided that recommendations made by the Tripartite Working Party calling for the development of new standards would be without prejudice to the continuing role played by the Conference, General Surveys or meetings of experts in that regard. As there was tripartite consensus on the matter, the Office should proceed to make the necessary arrangements to convene a meeting of experts on non-standard forms of employment in 2017. She welcomed the decision to conduct a General Survey on working time in 2017 and hoped that its results would inform the content of the meeting of experts on working time and work-life balance to be held in 2018. She considered the document to be forward-looking and the proposed plan of action to be fully in line with the conclusions of the recurrent discussion held at the 2015 Conference. She supported the draft decision.
68. *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the conclusions of the recurrent discussion on social protection held at the 2015 Conference and concurred that the regulation of working conditions, either through laws or collective agreements, in the areas of wages, working time, OSH and maternity protection was the key to affording workers adequate labour protection. Noting that certain groups of workers, especially those engaged in non-standard forms of employment, fell outside the scope of labour protection, he drew attention to the plight of persons with disabilities, who were one of the most marginalized groups of workers and often suffered discrimination and enjoyed less protection in the workplace. The proposed plan of action should cater to the specific needs of that group. Labour protection was also essential for achieving SDG 8 on decent work. He welcomed the Office's initiative to provide development assistance to member States in designing and applying laws and policies that guaranteed all workers adequate labour protection. He endorsed the content of the plan of action as a whole and commended the Office on its efforts to secure extra-budgetary funds for its implementation and review.
69. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Mexico said that effective policies on wages, working time, OSH and maternity protection should be the mainstay of a social protection strategy that

promoted decent work. All workers should enjoy decent working conditions and adequate labour protection. Special attention should be given to vulnerable groups of workers who often required greater protection, such as women, young people, older people, indigenous peoples, persons living with HIV/AIDS, persons with disabilities and domestic workers. The Office's proposal to adapt and apply the European Working Conditions Survey (EWCS) to non-European countries raised a number of concerns. While GRULAC valued the work carried out by EUROFOUND, it preferred to participate in multilateral activities resulting from consensus reached within the United Nations and/or the International Conference of Labour Statisticians. He was not opposed to the adaptation and application of surveys such as the EWCS to non-European countries but experience had shown that such activities must be conducted in close collaboration with the authorities of the country in question and that any adaptations should take into account the country's level of development. Broad tripartite consultations should be held before taking any further action in that regard. It was important for minimum-wage and labour protection policies to contribute to overall efforts to bring about a transition from informality to formality in the labour market. The Office should continue to promote development cooperation and capacity-building activities to support governments in achieving decent work and providing all workers with effective and inclusive labour protection. He supported the draft decision.

70. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Albania, Georgia, Republic of Moldova, Norway, Serbia, the former Yugoslav Republic of Macedonia, Serbia and Turkey. He noted with satisfaction that the proposed plan of action included the comprehensive approach to guaranteeing all workers adequate labour protection agreed upon at the 2015 Conference, which covered wages, working time, OSH and maternity protection. He supported mainstreaming the gender perspective and the principle of non-discrimination in all relevant ILO activities and targeting the groups of workers least likely to enjoy adequate labour protection. Effective labour protection would serve to increase the participation of women in the labour market and guarantee them equal treatment in terms of working conditions and benefits. He looked forward to learning the results of the activities aimed at extending labour protection to workers engaged in non-standard forms of employment and vulnerable groups, and of the General Surveys on migration and OSH instruments. It was vital to ensure that non-standard forms of employment met the legitimate needs of workers and employers and did not undermine labour rights and decent work, and that workers in all types of employment relationship enjoyed adequate labour protection. The effective application of existing international labour standards was the key to filling any regulatory gaps identified in respect of non-standard forms of employment. The proposed plan of action should take better account of the labour protection and OSH needs of small and medium-sized enterprises (SMEs). He welcomed the Office's efforts to continue building its knowledge base on labour protection and to cooperate with EU agencies in that area. In the future, the Office should also further explore the link between labour protection and enterprise productivity. He supported the draft decision.

71. *A Government representative of Algeria* said that he welcomed the proposed plan of action, which would guide countries in implementing social protection policies and programmes and amending their legislation to reflect changes in the world of work. To be successful, the promotion of social protection needed to be supported by tripartite social dialogue. Algeria was preparing to hold its 19th tripartite meeting, at which social protection of workers and their families would be discussed. He welcomed the aim of strengthening of technical cooperation with constituents through standards-related action, knowledge building and dissemination, and capacity building, so that African countries could implement relevant legislation that was in line with ILO standards. Algeria was ready to share its experience related to social dialogue and social protection. It had recently inaugurated a social security college, supported by the ILO, and offered to strengthen cooperation with the Turin Centre.

For the plan of action to be successful, all means and mechanisms would have to be mobilized at national, regional and international levels.

72. *A Government representative of Kenya* said that he supported the focus, objective and core elements of the proposed plan of action. The ongoing changes in employment patterns and work organization were making labour protection a reality, especially for workers in non-standard forms of employment and SMEs. He called for ILO assistance to help member States design and apply policies and laws that ensured adequate labour protection, noting that capacity building for labour inspectorates could effectively promote their application. With regard to standards-related action, ratification should not be an end in itself; specific, implementable strategies that had clear and tangible outcomes were needed. He supported increased efforts to build the Office's knowledge base in ongoing and emerging areas of work. While mobilizing extra-budgetary resources was important, the ILO regular budget needed to be prioritized in order to build continued sustainability. He requested clarification concerning the applicability of the EWCS to other countries. He supported the draft decision.
  
73. *A Government representative of India* believed that the scope of follow-up to the resolution should be strictly guided by the ILC discussion. Labour protection should be viewed in two ways: ensuring that conditions were conducive to enhancing and sustaining participation, and ensuring social security. She welcomed the proposed plan of action and saw merit in addressing new forms of employment. India was working on a comprehensive reform of its labour legislation. Implementation and compliance was being secured through effective use of technology. While taking note of the proposed activities in six action areas, she called for special attention to be paid to migrant workers, workers with HIV/AIDS and women at work. She hoped that the Office would make continuous efforts to mobilize extra-budgetary resources and also requested further information on the EWCS.
  
74. *A Government representative of Mexico* said that it would be important to follow up on the outcome of the discussion on global supply chains scheduled for the 105th Session (2016) of the ILC, as well as the centenary initiatives. An appendix on the extra-budgetary resource mobilization strategy and a timetable and map of the proposed activities were needed. The plan of action should detail how the proposed activities would contribute to reaching other ILO goals and SDG 8. He supported the draft decision.
  
75. *A Government representative of the United States* agreed that education and other measures aimed at assisting with compliance were important. The research on non-standard forms of employment and working time would likely benefit from the General Survey endorsed at the current session and would provide input for the future of work and centenary initiatives. The ILO should provide leadership in research and technical assistance. She looked forward to successful implementation of the OSH Global Action for Prevention flagship programme but wondered if the preparatory work on technical cooperation might prejudice the research that would be undertaken on psychosocial risks and work-related stress. She asked the Office whether it made sense to adjust the timing of the plan of action to align it more closely with the Strategic Policy Framework 2016–21. She supported the draft decision.
  
76. *A representative of the Director-General* (Deputy Director-General, Policy) said that a vast number of workers still did not have labour protection. Extending coverage to them was not easy, but it was a core responsibility of the ILO to find ways to do so. A large part of the ILO agenda involved building its knowledge and database to develop and deepen the empirical evidence needed in order to find solutions. Regarding the EWCS, the intention was to take advantage of the methodologies that had been developed by EUROFOUND in the previous 20 years and use and adapt them in other countries, after consulting each country's tripartite constituents. The Occupational Safety and Health Global Action for Prevention (OSHGAP), one of whose components focused on SMEs, was dedicated to mobilizing additional resources, and other initiatives had also been envisaged in relation to

SMEs and working conditions, including working time. The Office was already engaged in the area of psychosocial risks and work-related stress, gathering knowledge and exchanging best practices, but there was a need to intensify efforts in that domain. It would keep in mind the objective of having the same planning timetable as the UN and moving towards to a four-year planning cycle.

## **Decision**

- 77. *The Governing Body requested the Director-General to take into account its guidance in pursuing the plan of action giving effect to the conclusions concerning the first recurrent discussion on social protection (labour protection) and to draw on it in preparing future programme and budget proposals, and in developing resource mobilization initiatives.***

(GB.325/INS/5/1, paragraph 22.)

## **Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation** (GB.325/INS/5/2)

- 78. *The Worker spokesperson*** said that the qualitative aspects of employment in SMEs had not been sufficiently highlighted and reiterated that there should be no double standards conferring inferior rights or protection for workers in SMEs. More and better cooperation among ILO units dealing with standards and working conditions was required, as was capacity building for workers' and employers' organizations, to increase their representation in SMEs and assist them with collective bargaining. The Organization needed to be clear about how the success of the action plan would be envisaged; for workers, criteria included whether sustainable businesses and jobs were created, access to the rights of collective bargaining and union membership were extended to workers in SMEs including through legislative change, and wages and conditions of workers in SMEs were improved to decent work levels. The four key deliverables for knowledge generation described in paragraph 6 of the report were in line with the deliberations at the Conference. The review of the Enabling Environment for Sustainable Enterprises (ESEE) programme must redress the lack of attention paid to the social pillar; her group believed that many elements agreed in the Conference conclusions of 2007 had been disregarded; more emphasis, effort and resources had been given to entrepreneurship projects and programmes than to other decent work pillars. Such imbalance had to be redressed further to the review.
- 79.** Collection of data on the quality of employment generated by SMEs, while welcome, was not sufficient: concrete measures and policies needed to be promoted to improve working conditions in SMEs. Work on formalization of informal SMEs should build on Recommendation No. 204, include a qualitative approach and focus on working conditions and industrial relations. Research on good practices for the procurement of goods and services should include the role that procurement could play in promoting decent and safe work. The group considered that the proposed new working item on growth-oriented SMEs is not covered by the conclusions. It requested clarification of why work on cooperatives was not reflected in the plan of action and asked that it be added, along with the necessary allocation of resources. The deliverable on research into the impact of social dialogue and collective bargaining on working conditions in SMEs was very important with a view to developing strategies to address the non-coverage of workers in SMEs from collective agreements. The selection of enterprises participating in ILO programmes needed to be carefully done in relation to country-level work. Enterprises had to adhere to ILO values and

be willing to improve working conditions and wages and build sound industrial relations. Any increase in resources should be geared towards improving the qualitative aspects of work in SMEs, such as working conditions, wages and industrial relations. The group supported the draft decision.

80. *The Employer spokesperson* said that her group supported the proposed action on assessment of the effect of new rules and regulations on SMEs (ILC conclusions, paragraph 9(a)) but was disappointed not to see a reference to paragraph 18 of the conclusions, which called on the ILO to give due consideration to the specific needs of SMEs and their workers in developing its policies and guidance. That demand needed to be fully operationalized, and the Office should put forward concrete steps on how a “think small first approach” could be effectively mainstreamed in its work. A much stronger political focus on the EESE within and across the Organization was needed. Achieving an enabling environment included removing barriers to business; developing easy-to-understand, employment-friendly labour law; maximizing opportunities to hire; minimizing the burden of non-wage labour costs; fighting corruption; stimulating apprenticeship systems; and promoting greater competition and openness. The Office should not stop with development of the EESE component on formalization of informal SMEs, but should focus on widely implementing new products in a country-specific manner. Accordingly, the group wished to hear more about roll-out plans for that component.
81. Regarding assessment of the quality of employment (as mentioned in paragraph 6 of the report), the Governing Body had not agreed on a metric of decent work; data collection should therefore be based on clear indicators jointly agreed by the tripartite constituents. The group shared the finding of the action plan that the Office’s work on SME productivity and working conditions, such as SCORE, is entirely dependent on extra-budgetary resources. Ways should be found of making such programmes less dependent on donor funding. While the group welcomed plans to scale up the EESE programme, the assessment and scanning exercises were only the first steps of a process, which should be followed up by developing policy recommendations and concrete action to improve regulatory environments. Policy change took time, and it was important to ensure systematic support for countries where work was under way. The selection of countries for programmes and projects should be done in close consultation with constituents at the country level and with ACT/EMP and ACTRAV. The group supported the draft decision.
82. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the group supported the action plan and the proposal for an increase in the operational regular budget for 2018–19. Continued reliance on extra-budgetary resources for action on SMEs was not sustainable. The group wished to see cost estimates in relation to the outputs and key deliverables described in paragraphs 5 and 6 of the report. Implementation frameworks at country level should include actors beyond the tripartite arrangements. The group wished to know how the criteria and policies used to implement the action plan would be determined, in view of disparities in national development and budgetary resources. It also requested more information on how the plan would seek synergies with relevant strategic objectives and outcomes in order to maximize resources and outputs.
83. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Montenegro, Serbia, Albania, Norway and the Republic of Moldova. In view of the lack of data on SMEs, any research carried out by the ILO should involve the Research and Statistics Departments, if only for reasons of quality control, and the Office should explain the role that the Departments would play. The Office should also provide more information on how it planned to help constituents gather relevant data and how it would meet the Conference request for more work on cooperatives although not being a priority. She welcomed the research proposed on good practices for the procurement of goods and services from SMEs

by large enterprises in supply chains. She stressed the importance of cooperation with other international organizations, particularly in view of the increased interest in SMEs generated by the SDGs. Work on growth-oriented SMEs was an example of where the ILO could add value in the broader multilateral context. The Office should not only propose new areas of work on SMEs but also indicate what can be phased out. While it appeared sensible to increase regular budget funding for work on SMEs, the group considered that such a decision should be made during the next programme and budget negotiations.

- 84.** *A Government representative of Mexico* said that the Office's action on SMEs should seek to ensure viability and sustainability. His Government stood ready to provide information and share experiences and good practices to enhance results.
- 85.** *A representative of the Director-General* (Director, Enterprises Department) said that partnerships with international and national organizations were essential as a means of leveraging work in the area of SMEs. Quality and working conditions had been included in the Office's monitoring and evaluation of entrepreneurship programmes. The upcoming implementation report in March 2016 would show an expansion of work on the relationship between occupational safety and health, building on the basis provided by the SCORE programme. The Programme and Budget for 2016–17 had a more integrated and holistic outcome structure. Many of the improvements being sought were likely to occur in growth-oriented SMEs. Work on cooperatives, which were a legal form of enterprise and did not relate to size, was considered throughout the action plan and had been provided for in the programme and budget. Data on SMEs were being collected in collaboration with the Statistics Department. The Research Department was mainly working on macroeconomic analysis, while the Enterprises Department focused on collecting microdata through impact assessments of enterprise-level interventions. The World Bank was involved in carrying out enterprise surveys with the ILO, but more partnerships were needed and the Office would be happy to highlight that as a more specific deliverable. Regarding SCORE, it should be noted that the extra-budgetary funding allocated to the programme was higher than the entire regular budget allocations for work on enterprises. It was not possible to substitute one for the other, and it was more a matter of leveraging the regular budget in order to mobilize extra-budgetary resources. Sustainability would be achieved through collaboration with national partners. The outcome structure of the Programme and Budget for 2016–17 would go a long way towards scaling up the Office-wide focus on policy advice and follow-up with regard to the EESE and SMEs. Additional resources had been made available in the programme and budget for work on formalization. While the Office did not wish to prejudice resource allocation decisions, the results framework invariably pointed to a need for inputs, and that should be taken into account when formulating the strategic plan for 2018–21.

## **Decision**

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

- (a) take into account its guidance in pursuing the action plan for the follow-up to the 2015 Conference conclusions concerning SMEs and decent and productive employment creation;*
- (b) give due consideration to the 2015 Conference conclusions concerning SMEs and decent and productive employment creation when implementing the Programme and Budget for 2016–17 and when preparing the strategic plan for 2018–21 and the Programme and Budget proposals for 2018–19, and to give effect to the conclusions to the extent possible;*



- (c) *allocate the required resources, within the limits of the resources available, to ensure the effective implementation of the action plan;*
- (d) *report back to the Governing Body on the progress made in the implementation of the action plan in November 2016 and November 2017.*

(GB.325/INS/5/2, paragraph 12.)

## Sixth item on the agenda

### The 2030 Agenda for Sustainable Development (GB.325/INS/6)

87. *The Director-General* recalled the decision by the Governing Body, three years previously, that full and productive employment should be a key target for the global development agenda beyond 2015. That had been achieved with the recent adoption of the 2030 Agenda for Sustainable Development, and especially its Goal 8, calling for full and productive employment and decent work for all. That had profound implications for the ILO's constituents and the Office, and the work was just beginning. Decent work had been mainstreamed throughout the 17 SDGs. The ILO had an opportunity to develop partnerships with other agencies and actors to play a full and active role in the follow-up to the 2030 Agenda. The main means of implementation would be national strategies for sustainable development based on the SDGs. The goals were relevant to almost all agenda items of that Governing Body session and the forthcoming Conference discussions, including the Report of the Director-General. As the 2030 Agenda would fundamentally affect the medium- and longer-term work of the Organization, it would need to be fully embodied in the strategic plan. The Governing Body had approved the use of the guidelines for a just transition towards environmentally sustainable economies and societies for all, making a tangible contribution to the forthcoming Paris Climate Conference, which would in turn be a key part of the 2030 Agenda and the fight against poverty.
88. *The Employer spokesperson* expressed the full commitment of the Employers to collaborating on the implementation of the 2030 Agenda. The approach adopted must be both realistic and practical, taking account of differing country circumstances. She welcomed the fact that economic growth and an enabling environment for enterprises, particularly SMEs, were objectives for the 2030 Agenda. Eradicating poverty, creating jobs and securing health care and education required resources from both the public and the private sector and that required sustainable, successful businesses. The 2030 Agenda rightly accorded a major role to the private sector, particularly in Goal 8. The Paris Climate Conference would offer the ILO an opportunity to ensure that measures to mitigate the effects of climate change made full provision for social protection and decent work, while also promoting an enabling environment for growth, jobs and innovation. The ILO should consider first how it could contribute to achieving the SDGs before advancing the aims of the Organization. It should endeavour to mobilize its entire potential to contribute to the 2030 Agenda. The Office should focus on the essential elements, as the common vision and linkages between ILO action and the Agenda were unclear in the document. The DWCPs would have an important role to play in achieving national targets under the 2030 Agenda. An alignment of the strategic planning framework with that of the UN would not necessarily increase the ILO's influence in the multilateral system; the real issue was the potential mismatch between the ambitions of the 2030 Agenda, the resources necessary for its implementation and the scope for action provided by the Organization's budget. Subparagraph (c) of the draft decision was crucial, because capacity building for ILO constituents was vital in enabling them to play a proper role in national follow-up plans for

achieving the SDGs. The Office should adopt a specific programme to develop the capacities of its constituents, in close coordination with ACT/EMP and ACTRAV, in line with the needs and priorities of the organizations concerned, and with sufficient resources and measurable plans.

89. *The Worker spokesperson* welcomed the 2030 Agenda and the mainstreaming of the Decent Work Agenda in the SDGs. However, the financing and accountability frameworks lacked ambition, there were no binding commitments, and the follow-up and review were essentially voluntary. The means of implementation and the relationship with the Addis Ababa Action Agenda could have been more specific. The ILO must develop five major responses to meet the challenge of the SDGs. Its institutional response should be to find an appropriate forum for in-depth tripartite discussions, such as a discussion at the November 2016 session of the Governing Body on the SDG implementation plan, building on the follow-up to the Director-General's Report to Conference. The Governing Body could discuss annually the ILO's work on implementation of the SDGs, linked to the annual report of the UN. The 2030 Agenda could also be the subject of discussion at a future session of the Conference. Second, the ILO had to give a policy response to the SDGs by providing guidance on linkages between growth strategies and decent work; the contribution of decent work to reducing inequalities in accordance with Goal 10; and at the contribution of decent work to the eradication of extreme and relative poverty, in line with Goal 1. That called for research and multidisciplinary policy advice to constituents. Third, the ILO's operational response must involve setting up ad hoc multidisciplinary teams to work with member States on their growth strategy and its impact on achieving decent work, and promoting policy coherence with the World Bank and the International Monetary Fund. That initiative should take off from a set of pilot countries, chosen from among developing, emerging and developed countries. Fourth, by way of an advocacy response the ILO should establish leadership of Goal 8 and of all decent work issues in the SDGs. Fifth, a participation strategy should be developed to ensure the effective participation of ILO constituents in national development frameworks, with the active participation of the social partners. ACTRAV should be allocated dedicated resources for capacity building of trade unions. The participation strategy should involve ministries of labour and other ministries, and the social partners, in dealing with the nexus between growth and decent work. ILO country offices must advocate for the effective participation of ILO constituents in all national SDG follow-up processes. In the final document to be submitted to the UN General Assembly in 2016, the Office should seek to ensure the inclusion of indicators on the ratification of ILO Conventions and violence against trade unionists. The Workers endorsed the draft decision, but proposed that the name of the ILO's end to poverty initiative should be changed, in the decision and elsewhere, to "the SDGs centenary initiative" to emphasize the universality of the goals and the comprehensive approach to development.

90. *Speaking on behalf of the Government group*, a Government representative of Ghana congratulated the ILO on the active role it had played in helping to shape the SDGs. Significant components of the Decent Work Agenda featured in the goals and targets and the overall vision of the 2030 Agenda, in which Goal 8 was directly linked to the four pillars of the Decent Work Agenda. The centenary initiatives provided a valuable opportunity to bring together all relevant areas of the ILO's work towards implementing the 2030 Agenda. Establishing multi-stakeholder partnerships and revitalizing the global partnership for sustainable development would be critical in supporting the implementation of decent work outcomes. The ILO could use its unique structure and long experience of tripartite partnership to facilitate the necessary engagement with governments, civil society, the private sector, the UN system and other actors. The ILO must also work in close partnership with stakeholders, as well as the UN system as a whole, in order to avoid duplication of effort and to ensure that its policy role on decent work was well integrated into action at the global, regional and national levels. The ILO had a valuable role to play in developing indicators for the SDGs, such as those on decent work and full and productive employment.

Through its technical knowledge and experience, it could help develop tripartite approaches to national planning and policy so as to maximize and track progress in achieving the SDGs. The Addis Agenda was critical for the realization of the SDGs. Extreme poverty could be ended within a generation, and inequality significantly reduced. He supported the draft decision, but proposed amending subparagraph (e) to read: “[...] *with a view to offering the ILO’s technical and normative leadership role on SDG 8 and all targets related to decent work, as well as building on the core role of tripartism*”.

91. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said the ILO had a responsibility to be active in implementing the SDGs, including by supporting sustainable development strategies at the national level. The evaluation of the Declaration on Social Justice for a Fair Globalization would be an important tool with which to understand how the ILO could best advance its own aims and also contribute to achieving the SDGs. The ILO should pursue an integrated approach, taking account of the interaction between decent work and sustainable development and other dimensions of the 2030 Agenda. Its action should give suitable weight to regional and national specificities and priorities. Implementation of the goals could be further supported by ensuring meaningful global partnerships based on adequate financing, and technology and knowledge transfer. The ILO should assist in strengthening the statistical capabilities of constituents, so that progress towards achieving the goals could be measured. The 2030 Agenda could not be achieved without tackling the challenge of climate change, therefore the Office should carry out research into the implications of climate change and the corresponding policy responses for labour markets to underpin the implementation phase of the goals. He urged the Office to develop and implement, as a matter of priority, a global youth employment strategy which would provide suitable support to ILO Members, since the deadline for SDG targets 8.6 and 8.b was in 2020. Given the pivotal role of capacity building in the achievement of many of the SDGs, the ILO should make the best use possible of the Turin Centre. As it was imperative for the ILO to align its work with the SDGs, its programme and budget and development cooperation strategies would need to take account of the implementation framework in the future. ASPAG supported the draft decision, as amended by the Government group.
92. *Speaking on behalf of GRULAC*, a Government representative of Mexico emphasized the importance of international cooperation to achieve sustainable development. His group supported the proposal to include in the agenda of the Governing Body regular reporting on progress made and obstacles encountered in working towards achieving the SDGs. National strategies were the key to implementing the 2030 Agenda. Although it was important to seek multi-stakeholder alliances, the success of the 2030 Agenda would primarily depend on public policies adopted by governments. The ILO should anticipate a considerable number of requests for technical support relating to the decent work dimension of the goals, including macroeconomic policies. His group looked forward to the UN Statistical Commission’s proposed indicators for the SDGs and supported the ILO’s involvement. Lastly, as the Global Jobs Pact had become a condition for the achievement of SDG 8, he suggested that the Office could submit to the Governing Body a document containing further details on how it would strengthen the implementation of the pact. GRULAC supported the draft decision as amended by the Government group.
93. *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania expressed satisfaction that Goal 17 of the 2030 Agenda related to strengthening means of implementation, as the efforts of developing countries to mobilize domestic resources alone would not be enough: global partnerships and the support of the international community were essential. The revised Development Cooperation Strategy and the 2008 Declaration on Social Justice for a Fair Globalization had important roles to play in that regard. Also welcome was the section of the 2030 Agenda dedicated to the follow-up and review mechanism. While the end to poverty initiative was important, the ILO should be

careful not to narrow the scope of the SDGs to that initiative alone. The group urged the ILO to fully implement the 2030 Agenda within its mandate, particularly Goal 8. The Africa group supported the draft decision as amended by the Government group.

94. *Speaking on behalf of the group of Arab States*, a Government representative of Sudan said that the SDGs provided a basis for the ILO to continue working towards the achievement of the principles of decent work. In that respect, capacity building that would enable States to develop their own national strategies was one of the most important aspects. In addition to Goal 8, the ILO also had an important part to play in achieving Goal 17 on strengthening means of implementation and revitalizing global partnerships for sustainable development. International solidarity would be the key to success and must be conducted in a transparent and coherent manner, with appropriate resources and access to technology. The ILO had an important role to play in providing assistance to countries in developing policies on sustainable development, which must be accompanied by technical cooperation that ensured the maintenance of social protection.
95. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Albania, Bosnia and Herzegovina, Georgia, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey. He congratulated the ILO on its role in achieving the inclusion of significant components of the Decent Work Agenda in the 2030 Agenda. The collaborative effort should be continued and partnerships with other stakeholders and the UN system would be critical to avoid duplication and ensure decent work aspects were well integrated into all levels of implementation work. The ILO should take a leading role in ensuring the enhanced functioning of social protection floors in the implementation of the 2030 Agenda. Furthermore, it should act as a primary source of information for global indicators on decent work issues and on progress on qualitative matters that were hard to quantify, such as social dialogue, and should support national statistical offices in collecting such data. The outcomes of the ILO's Programme and Budget for 2016–17 were well aligned with the SDGs and the global flagship programmes would contribute to the achievement of key elements of the 2030 Agenda. Regular reporting to the Governing Body would be important to track the ILO's progress towards achieving the SDGs. The ILO should further support national-level work through providing guidelines drawing on its technical expertise and encouraging the development of tripartite planning and policy approaches. He supported the draft decision as amended by the Government group.
96. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Cambodia said his group aligned itself with the statement of ASPAG. Noting that the ILO had a key role to play in implementing the 2030 Agenda, particularly Goals 5, 8 and 10 thereof, he said he looked forward to the Director-General's forthcoming Report on transforming jobs to end poverty and welcomed the opportunity to steer the work of the ILO on SDGs during the ensuing debate at the 2016 session of the Conference. Although the ILO was ready to support the implementation of aspects of the 2030 Agenda related to decent work through labour standards and by technical means, ASEAN urged the Organization to sharpen its focus, generate more resources and deliver its undertakings more quickly. Most pressing were the global targets on youth employment, for which the deadline was 2020. ASEAN had focused in recent years on the provision of labour market information, and addressing skills mismatch, skills development, lifelong learning, skills recognition and national qualifications, and the promotion of sound industrial relations. Its next five-year plan would put in place regional cooperation strategies that, with the support of the ILO, would help the region establish a productive, dynamic workforce while supporting business and industry to create decent jobs. ASEAN supported the draft decision.

97. *Speaking on behalf of the BRICS countries (Brazil, Russian Federation, India, China and South Africa)*, a Government representative of the Russian Federation said her group strongly supported the employment-related SDGs; it was ready to take action, and intended to strengthen its cooperation on implementing the 2030 Agenda when it met in January 2016. The ILO might need to review its current work, including its flagship programmes, to ensure that it was aligned to the extent possible with the 2030 Agenda. She invited the ILO to develop clear, costed proposals for action.
98. *A Government representative of Trinidad and Tobago* said that since the 2030 Agenda had been adopted, the onus was on ILO constituents to ensure that the Organization's role in and contribution to development was understood by all in the international community. Outreach and public education programmes should be enhanced, where possible.
99. *A Government representative of Bangladesh* said that efforts to promote productive employment should be redoubled, to reduce both poverty and informal employment. The ILO's approach to the SDGs would offer most if focused on productive employment, striking a balance between the four pillars of decent work. It should build capacity in sending and receiving countries to make international migration more transparent and cost-effective and ensure decent working conditions for migrant workers. The global partnership envisaged under Goal 17 was key to achieving the SDGs; the ILO would need comprehensive, innovative strategies to contribute. It should design special programmes to address emerging global challenges, including climate change and inequality. He expected the ILO would realign its DWCPs with the 2030 Agenda, and encouraged it to work with all relevant stakeholders to make the SDGs a reality. He supported the draft decision.
100. *A Government representative of Ethiopia* said he was pleased to note the inclusion of Goal 8 and other goals linked to the ILO's mandate and end to poverty centenary initiative in the 2030 Agenda; they provided a promising platform for ILO support to member States. The Addis Ababa Action Agenda would support the 2030 Agenda through measures to overhaul global financial practices and generate investment. Cooperation was required to implement both agendas; the ILO should work with all relevant stakeholders to mobilize funding and build capacity, while ensuring policy coherence with its Decent Work Agenda and centenary initiatives. Radical breakthroughs would be needed for countries to achieve the SDGs in a manner suited to their unique circumstances. The African region would determine its priorities in relation to the 2030 Agenda, particularly with regard to Goals 8, 11 and 16, at the upcoming 13th African Regional Meeting, the outcomes of which the ILO should consider in connection with implementation plans. He supported the draft decision.
101. *A Government representative of Bulgaria*, which was co-chair of the UN Group of Friends for Children and Sustainable Development Goals, said that investing in children as part of action under all the SDGs was fundamental to the eradication of poverty everywhere. The global community would expect the UN system as a whole, and the ILO and its member States in particular, to begin to take action on the SDGs from early 2016. Bulgaria would contribute at the national, European and international levels, starting by addressing labour-related issues with reference to the SDGs at the 5th Labour and Employment Ministers' Conference of the Asia-Europe Meeting, which it would be hosting in December 2015.
102. *A Government representative of China* concurred that the ILO had a leading role to play in assisting member States to implement the SDGs, and that poverty eradication was a good starting point. Full use should be made of the ILO programme and budget to support implementation by member States, which should be in charge of developing their own, country-specific SDG indicators. The ILO must focus on developing global partnerships. Official development assistance and North-South cooperation should be leveraged to implement the 2030 Agenda. China was making significant contributions to developing countries' implementation efforts, as mentioned in GB.325/INS/6.

103. A *Government representative of France* said that France had, from the outset, been committed to greater ILO involvement in inter-agency cooperation and had actively worked to ensure that the ILO's areas of expertise were incorporated in the 2030 Agenda; it was thus pleasing that the 2030 Agenda emphasized the social dimension of sustainable development and that decent work featured as one of the goals. He emphasized that the agencies of the UN system would achieve the objectives they had set themselves only through coordinated action.
104. A *Government representative of Thailand* encouraged the Office to further develop the end to poverty centenary initiative to promote the 2030 Agenda. His Government had been developing and implementing a range of people-centred policies, which were in line with the 2030 Agenda, including policies to reduce inequality and improve access to government services. He supported the draft decision with the proposed amendment.
105. A *Government representative of Zimbabwe* emphasized the important role of the 2008 Declaration on Social Justice for a Fair Globalization, in addition to the centenary initiatives, in giving effect to Goal 8. He requested further information on how the Office intended to meet target 8.b which envisaged implementing a global strategy for youth employment and the ILO Global Jobs Pact by 2020.
106. A *Government representative of India* noted with satisfaction the emphasis on consultation in the ILO's implementation plan for the 2030 Agenda, which reflected its consensus-building approach. The ILO, and specifically its field offices, had a critical part to play in reinforcing national capacities to identify, prioritize and address challenges. DWCPs could be strengthened to link national policy objectives with the 2030 Agenda. She looked forward specifically to the ILO's support to member States to build statistical capacity in order to monitor progress, and its continuing support to those whose national data systems were weak. Growth, job creation and poverty reduction must be achieved in an ecologically sustainable manner. The ILO had a strategic role to play in promoting sustainable development and must align its resources with the 2030 Agenda and national strategies. She supported the draft decision, with the proposed amendment.
107. A *Government representative of Panama* said that her Government had implemented various national programmes which showed its commitment to the 2030 Agenda, including a youth employment promotion scheme. It considered target 8.7, on the eradication of forced labour and child labour, to be fundamental, and her country was close to being the first in its region to be completely free of child labour. Cooperation and partnerships were needed to achieve Goal 8 and in that connection, she highlighted the ILO's DWCP 2015–19 for Panama. The place of decent work in the 2030 Agenda bore witness to the importance of the ILO in promoting sustainable development and gave it the opportunity to play a pivotal role. She supported the draft decision, with the proposed amendment.
108. A *Government representative of the United Kingdom* said that proactive ILO leadership was called for not only on Goal 8, but also in relation to other goals, such as eradicating extreme poverty; promoting sustainable agriculture; and achieving gender equality and ending discrimination. The ILO must establish a responsive, joined-up approach to its various strategies, initiatives and programmes in order to deliver on the SDGs to the best effect, leading but knowing when to take a supporting role. It should not stray beyond its core mandate, especially because of the uncertainty as to how the SDGs would be funded. Goal 17, on revitalizing the global partnership, was crucial; the ILO should take an inclusive approach and work with a wide range of stakeholders to ensure effective delivery of the SDGs. He supported the draft decision, with the proposed amendment.
109. A *Government representative of the Republic of Korea* emphasized the importance of developing an effective implementation framework and tools for the implementation of the

SDGs, to allay the concerns of member States. Her country expected the ILO to continue playing a leading role in follow-up discussions on an implementation mechanism and resource allocation for each goal. It was hoped that the employment of vulnerable groups, including young people, reflected in Goal 8 would continue to be given more weight in future resource allocations and follow-up measures. The 2030 Agenda would be reflected in all Korean national development strategies, which would enable it to contribute further to the international community. Korea would continue to support ILO initiatives to achieve the SDGs.

110. *A Government representative of Belgium* said that the inclusion of decent work as a specific goal and social protection as a target in three different 2030 Agenda goals was a significant outcome. Belgium hoped that the Group of Friends on Decent Work for Sustainable Development, co-chaired by Belgium and Angola, had helped towards that outcome. The ILO would play a key role in implementing the 2030 Agenda, and Belgium advocated the continuance of the work of the Group of Friends on Decent Work for Sustainable Development in some form. It remained committed to participating in multi-stakeholder partnerships.
111. *A Government representative of Mexico* said that the 2030 Agenda represented a commitment by States with a collective vision requiring joint efforts and resources to transform people's lives and so contribute to universal development. It would be a challenge, commitment and opportunity for the ILO to assume a leading role, not only in respect of Goal 8, but also all other goals with an impact on the world of work. ILO activities should focus on the targets and indicators as they developed. The ILO should conduct its follow-up and review jointly with all stakeholders, in particular the General Assembly and the Economic and Social Council, in order to avoid duplication of efforts and resources and to strengthen its impact on the follow-up process. Mexico supported the draft decision, with the proposed amendment.
112. *The Director-General* said that the first challenge of the 2030 Agenda was that its impact would be felt at the national level, and the action of member States in its delivery would be decisive. To provide the necessary assistance in national processes, the ILO must encourage tripartite participation, help build the capacities of the tripartite actors and work on the adequacy of its mechanisms for developing DWCPs to ensure effective tripartism. Furthermore, the programme and budget that would come into effect on 1 January 2016 would include a significant reallocation of resources to the regions and the different Decent Work Country Teams.
113. The second challenge related to the multilateral system. He acknowledged the leadership of Belgium and Angola in the Group of Friends on Decent Work for Sustainable Development, which would continue in the future, and encouraged more people to join the group. The ILO had found ways of significantly influencing the formulation of the Agenda, and must ensure that those efforts were translated into leadership in the implementation process. That matter would be before the UN Chief Executives Board for Coordination (CEB) meeting in New York the following week, to which he would take the Governing Body's messages. He would also submit for adoption a global initiative on decent work for youth, prepared at the request of the Secretary-General.
114. The third challenge was resources and the means of implementation. The ILO must direct its efforts towards mobilizing resources, with the help of the Governing Body. With regard to the scope and nature of its in-house implementation work, the ILO was clearly focused on Goal 8, where the heart of its efforts should obviously be directed. However, its efforts should include all aspects of the Agenda in which decent work issues were mainstreamed; maintaining focus and breadth was a delicate balancing act. As the Employers and others had pointed out, the ILO must establish the scope and focus of its action and work in a

coherent and realistic way. The end to poverty centenary initiative was a helpful institutional vehicle to package together what the ILO was doing, coherently and visibly, to facilitate its task within the parameters he had described.

115. The Workers had asked, reasonably, whether it made sense to call it the “end to poverty” initiative, given that while ending poverty was a key part of the 2030 Agenda, it involved much more. When launched in 2013, the initiative had been envisaged as a vehicle to implement the post-2015 development agenda, and had been so called because it was not known what the full content of that agenda would be, but that its overarching aim would be to end extreme poverty. If member States so wished, it would be possible to consider renaming the initiative; however, the ILO understood it as a broader initiative.
116. As for the call to review decisions already taken, programming processes already in place and the process of impact evaluation that the ILO would undertake, he understood that the speakers who had raised those matters were referring to monitoring, tracking, reviewing and making the necessary adjustments and adaptations as the implementation of the 2030 Agenda moved forward. In that regard, he recalled that the task of designing a new strategic plan would begin in late 2016, and the current discussions would inform that work. He would also have the opportunity in his Report to the Conference in 2016 to table some further thinking arising from the discussions.
117. The Governing Body’s wish and expectation to be informed and to be able to track the progress of the work carried out by the ILO and the international community in implementing the 2030 Agenda was contemplated in the draft decision, as was the need to consider, as work moved forward, how best to achieve tracking, monitoring and accountability, including the ILO’s ongoing work on developing indicators and the statistical capacities required to make monitoring of the 2030 Agenda effective.
118. *A Government representative of France* said that the wording “*le rôle de chef de file*” in the French version of the proposed amendment to the draft decision should be replaced with the wording “*un rôle de chef de file*”, as that would better reflect the spirit of the English version.
119. *The Employer spokesperson* sought clarification that the proposed amendment was to broaden the role of the ILO in all relevant targets related to decent work, not only those focusing on Goal 8. The Employers would support such amendment.
120. *Speaking on behalf of the Government group*, a Government representative of Ghana confirmed that that was the case.

## Decision

121. *The Governing Body requested the Director-General to:*
  - (a) *develop further the end to poverty centenary initiative as the ILO’s vehicle for implementing the 2030 Agenda;*
  - (b) *encourage member States to involve the ILO and social partners in planning, implementing and monitoring the SDGs;*
  - (c) *develop enhanced capacity-building programmes for ILO constituents to engage in such national follow-up plans, bearing in mind the importance of strengthening statistical capacities for the monitoring of progress;*



- (d) *continue to follow closely the evolution of the UN system's response to the 2030 Agenda for Sustainable Development with a view to ensuring that the ILO's policy role on decent work is well integrated into global, regional and national-level follow-up action;*
- (e) *build multi-stakeholder partnerships to implement the SDGs, with a view to offering the ILO's technical and normative leadership role on SDG 8 and all targets related to decent work, as well as building on the core role of tripartism;*
- (f) *prepare proposals on the possible role of the Governing Body in examining progress on decent work for sustainable development as part of the UN system's examination of thematic reviews of progress on the SDGs, including cross-cutting issues;*
- (g) *ensure alignment of the Office's workplans regarding the policy and enabling outcomes in the Programme and Budget for 2016–17 with priorities targeted in the 2030 Agenda;*
- (h) *continue reinforcing the ILO's technical capacities to implement the end to poverty centenary initiative;*
- (i) *develop proposals for the Strategic Plan 2018–21 to strengthen further the role of the ILO in the implementation of the 2030 Agenda; and*
- (j) *report to its 328th Session (November 2016) on progress in implementation of the end to poverty centenary initiative.*

(GB.325/INS/6, paragraph 44, as amended.)

## Seventh item on the agenda

### **Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013)** (GB.325/INS/7(Add.) and GB.325/INS/7(Rev.))

- 122.** *The Chairperson* drew attention to a revised draft decision that had been prepared following consultations with the Government of Myanmar.
- 123.** *A Government representative of Myanmar* said that his Government agreed to extend the operation of the Supplementary Understanding and the Memorandum of Understanding and its associated Action Plan on the Elimination of Forced Labour by 2015 until 31 March 2016. He also agreed with the other points in the revised draft decision.
- 124.** *The Worker spokesperson* said that the requests made by the Governing Body in March 2015 had only been partially fulfilled. Forced labour remained a problem, including in public works projects, in areas of armed conflict, in connection with land acquisition and confiscation, and in the private sector. He looked forward to an updated appraisal of implementation of the Action Plan in March 2016. He was deeply troubled by the lack of accountability for the perpetrators of forced labour, an issue that his group had been urging

the Government and the ILO to enforce since the beginning of the process. Mere administrative punishments were not adequate. The ILO was asked to report as soon as possible on what measures it would take to encourage the Government to impose appropriate criminal sanctions.

125. He regretted that the Government had failed to produce a detailed report on the measures taken to implement the joint action plan. Therefore, the Government was expected to provide, by March 2016, detailed information on the actions it had taken and would take with regard to its seven action plans and related objectives. Significant progress was still required to eliminate forced labour. Work on freedom of association needed to be continued and strengthened. Making further reforms to the labour laws and building mature industrial relations must be prioritized. He also requested that the Confederation of Trade Unions of Myanmar (CTUM) should be involved in trade union development efforts in Myanmar. He called on the Government to work with representative trade unions to amend the Labour Organization Law and the Settlement of Labour Disputes Law. The ILO needed to step up its engagement with multinational enterprises, to ensure that they were undertaking appropriate due diligence with regard to human rights. The ILO should exercise its convening role to bring companies, workers and the Government to the table in key industries to guarantee the development of decent work.
  
126. *The Employer spokesperson* noted the progress made since the Government had taken over in 2011. The Government had made a political commitment to eliminating all forms of forced work, but continued efforts must be made as further progress was needed. He supported the amended draft decision.
  
127. *Speaking on behalf of ASPAG*, a Government representative of India welcomed the continued progress being made and the Government's agreement to extend the operation of the Supplementary Understanding and the Memorandum of Understanding and its associated Action Plan. ASPAG was committed to supporting the wide-ranging reforms and encouraged the ILO to expand its cooperation with Myanmar. He supported the amended draft decision.
  
128. *Speaking on behalf of the EU*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Republic of Montenegro, Albania, Norway, Switzerland and Georgia. She welcomed the recent elections held in Myanmar/Burma. The EU stood ready to assist the new Government. The number of complaints received continued to be significant, although the actual use of forced labour was decreasing overall. The Government should tackle two areas of particular concern: the persistence of forced labour at local or township levels, and the increased number of complaints involving children in the private sector. Accountability should not be limited to the public sector or the military. The EU was also deeply concerned about continuing forced labour practices in relation to armed conflicts, including the recruitment of children, and requested further information on the Government's plan for ratification and implementation of the Optional Protocol to the Convention on Rights of the Child on the involvement of children in armed conflict. Efforts should continue to be made to raise awareness of rights and responsibilities regarding the use of forced and child labour and the existence of the ILO–Government complaints mechanism. The EU had been surprised to receive a last-minute amendment to the draft decision and asked for such situations to be avoided in the future. It nonetheless supported the amended draft decision.
  
129. *A Government representative of Thailand* strongly supported the Government of Myanmar in its endeavour to achieve peace and national reconciliation. He took note of the priority attached to the joint strategy and developments regarding the DWCP roadmap. Momentum should be maintained and engagement with the ILO and other international organizations

should be continued. Myanmar should be given sufficient time to carry out ongoing internal processes. He supported the revised draft decision.

130. *A Government representative of China* noted that Myanmar had been cooperating effectively with the ILO since 2007. Since the task of eliminating forced labour had basically been fulfilled, it was not necessary to extend the Memorandum of Understanding and its associated Action Plan for another 12 months. More extensive cooperation with the ILO should be carried out, and the ILO Liaison Office should become a country office. He supported the revised draft decision.
131. *A Government representative of the United States* urged the Government to continue constructive cooperation with the ILO Liaison Office. A significant number of complaints continued to be received. The Government had still not carried out any prosecutions under the forced labour provisions of the Ward and Village Tract Amendment Law of 2012. She appreciated the areas of emphasis for work under the Supplementary Understanding proposed by the Office. The Government should undertake additional awareness-raising activities and prioritize the extension of accountability to civil authorities and the private sector. All outstanding cases, including those involving issues of land confiscation, needed to be concluded. She called for the immediate and unconditional release of Captain Chit Ko. The issue of forced labour must remain central to the labour reform agenda. She supported the revised draft decision.
132. *A Government representative of the Republic of Korea* believed that the Government of Myanmar's agreement to extend the operation of the Supplementary Understanding and the Memorandum of Understanding showed its determination to eliminate forced labour and promote the protection of labour rights. While challenges still remained, he believed that the Government would continue to build on its achievements. He supported the revised draft decision.
133. *A Government representative of Japan* commended the efforts and progress made by the Government of Myanmar and agreed with the principle of the Action Plan. Japan had conducted a number of surveys and was planning to provide further technical assistance. The effectiveness of the Action Plan would be increased by continued action on the part of Japan and international institutions.
134. *A Government representative of Cambodia* welcomed the active engagement with the social partners through the cooperation between the Government of Myanmar and the ILO. He was pleased with the outcome of implementation of the Memorandum of Understanding, welcomed the seven action plans and encouraged the Government to pursue its commitment.
135. *A Government representative of the Russian Federation* said that he was pleased with the high level of interaction between the ILO and the Government of Myanmar in the previous few years. He welcomed the significant changes to national legislation and the readiness of the Government to extend its cooperation with the ILO, especially in relation to workers' rights. He supported the draft decision.
136. *A Government representative of Cuba* noted with satisfaction the abundant information provided in the revised report and its addendum, and welcomed the spirit of cooperation between Myanmar and the ILO. He urged the parties to continue their efforts.
137. *A Government representative of India* congratulated Myanmar on the successful general elections that it had recently held and the progress made on a wide-ranging reform process. Although challenges remained, progress could be sustained and the ultimate objective of total elimination of forced labour could best be achieved by adopting a comprehensive approach aimed at increasing opportunities of decent employment, promoting rapid rural

development and addressing socio-economic determinants, including poverty. The ILO's engagement with Myanmar should complement its national efforts on the broader Decent Work Agenda and should not be limited to forced labour. She therefore supported Myanmar's request to set up a fully fledged ILO Country Office and encouraged the ILO to expand its collaboration with Myanmar to assist its efforts to promote labour rights.

## **Decision**

### **138. The Governing Body:**

#### **(a) noted:**

- (i) the reports submitted by the Government of Myanmar and the Director-General, documents GB.325/INS/7(Add.) and GB.325/INS/7(Rev.) respectively, and*
- (ii) the agreement of the Government of Myanmar to extend the operation of the Supplementary Understanding and the Memorandum of Understanding and its associated Action Plan until 31 March 2016;*

#### **(b) decided to:**

- (i) defer consideration of paragraph 35 of document GB.325/INS/7(Rev.) until its 326th Session (March 2016), and*
- (ii) request the Director-General to present a framework for future ILO engagement with Myanmar, including the elimination of the use of forced labour, to the 326th Session (March 2016) of the Governing Body.*

(GB.325/INS/7(Rev.), new decision as per the Governing Body discussion.)

## **Eighth 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.325/INS/8(Rev.1))

- 139.** *The Special Representative of the Director-General for Guatemala* said that, with the support of the United States-funded project to strengthen national mechanisms to protect fundamental rights at work, especially freedom of association and collective bargaining, efforts had continued to train the staff of the Public Prosecutor's Office in the new strategy for investigating crimes against trade unionists. At the same time, with backing of the Office of the UN High Commissioner for Human Rights in Guatemala, members of the Special Unit for Crimes against Trade Unionists had attended a training workshop on economic and

social rights, collective labour rights and legal precedents from the case law of the Constitutional Court. As a result, a technical group had been set up to write a handbook for the unit, whose work was of vital importance.

140. The hotline for reporting anti-union acts was indeed functional. It would be advisable to establish a budgetary appropriation to cover the food, accommodation and transport costs of the police officers who guarded trade unionists rather than having them defrayed by the people whom they were protecting. The employers and workers of Guatemala had continued to provide comments and proposals on the reforms requested by the Committee of Experts to bring national laws into line with international Conventions on freedom of association and collective bargaining. A campaign developed with tripartite consultation had been launched on 30 October to raise awareness of freedom of association. It was vital to extend the campaign to the private media to reach most of the population, especially bearing in mind the general public's negative image of freedom of association, trade unions and collective bargaining.
141. A number of measures still had to be taken. The Government had to impress on local authority officials that they must respect trade union freedoms. The Committee for the Settlement of Disputes should be strengthened. The registration of trade unions should be simplified and accelerated. It would be useful to monitor the number of collective agreements approved, along with the sector covered, in order to ascertain the situation of collective bargaining in the public and private sectors.
142. *The Employer spokesperson* said that despite the welcome progress which had been made, much still remained to be done. It was a matter of concern that not all the social partners fully supported that work. It was essential to have detailed information from the Government on progress on the key indicators and roadmap. The Employers firmly supported the work of the Special Representative and were therefore in favour of extending his mandate. As a new government would take office on 12 January 2016, the deadline in the draft decision should be moved to the end of January. His group supported the draft decision.
143. *The Worker spokesperson* acknowledged the constructive step taken by the President of Guatemala and the Tripartite Committee on International Labour Affairs in requesting the Governing Body to consider increasing the scope of the ILO's action in the country. The Special Representative of the Director-General had done extremely valuable work to build trust among the tripartite constituents in Guatemala; the Workers supported the proposal to expand his mandate. However, the situation in Guatemala was far from satisfactory. An activist in the Jalapa Municipal Trade Union had recently been murdered, the sixth member of that trade union to be killed. The hitman had confessed to police to being paid US\$200 to kill him due to his trade union activities. It was also worth recalling that the Committee on Freedom of Association had urged the Government to take measures to guarantee the safety of the trade unions members of Japala. That murder could have been avoided if the Government had taken serious steps to combat violence against trade unionists, 74 of whom had been killed over the past decade. The latest perpetrator had been arrested only because the victim's family had caught him and handed him over; there had otherwise been no arrests for anti-union murders. The Government had also failed to conduct risk studies for all threatened trade union officials and members. The rulings of the labour courts were not being executed, nor were the reinstatement orders of workers dismissed for trade union activities. No strengthening of state institutions had taken place, and a lack of legislative reforms meant that the labour inspectorate was unable to fulfil its mandate. The Government had also failed to adopt legislative reforms called for by the ILO supervisory bodies in order to align its legislation with Convention No. 87. There had been a surge in violations of the right to collective bargaining, on the pretext of public spending cuts. His group would be following closely the steps taken by the current and incoming government to implement the roadmap,

and hoped for tangible progress by the March 2016 session of the Governing Body. He supported the draft decision.

144. *A Government representative of Guatemala* (Minister of Labour and Social Security) acknowledged the contribution to tripartite dialogue made by the Special Representative of the Director-General in Guatemala. The transitional government was committed to promoting labour relations in conformity with the law, and to decent work, freedom of association and collective bargaining. Concerning the fight against impunity, 13 convictions for crimes against trade unionists had been handed down as of 25 September 2015, and investigations into 70 outstanding cases were being stepped up. The cooperation agreement between the Public Prosecutor's Office and the trade unions had been extended for two years from 9 September 2015. Cooperation was also continuing between the Special Unit for Crimes against Trade Unionists and the International Commission against Impunity in Guatemala. Progress in investigating crimes was being evaluated, with a view to closing certain cases and compensating the families of the victims. Progress had been made on the draft protocol for the implementation of immediate and preventive security measures for trade union members and officials. In May 2015, a hotline had been set up as a means of reporting anti-union violence and threats. A public awareness campaign on freedom of association and collective bargaining had been launched on 28 October 2015. The transition government had registered all applicant trade unions that fulfilled all the criteria. Two cases handled by the Conflict Resolution Committee on Freedom of Association and Collective Bargaining had been resolved and almost all dismissed workers had been reinstated. In 2015, a total of 15 collective agreements had been approved. A bill had been drafted to authorize labour inspectors to issue sanctions on the spot. The transition government aimed to fulfil most of the commitments under the roadmap before the new government assumed office. He supported the continued presence of the Special Representative, with an expanded mandate.
145. *Speaking on behalf of GRULAC*, a Government representative of Mexico encouraged Guatemala to continue complying with its international obligations. He welcomed the positive developments and the fact that a number of authorities were collaborating with the ILO to strengthen institutional capacity, dialogue and negotiation. Respect for fundamental labour rights, and especially freedom of association, was a prerequisite to achieving decent work. He therefore welcomed the ILO's technical assistance to Guatemala, which was necessary for the full implementation of the roadmap. GRULAC was committed to social dialogue, and he called upon the tripartite constituents in Guatemala to work towards lasting solutions and the full application of ILO Convention No. 87. He supported the draft decision.
146. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands, said that the former Yugoslav Republic of Macedonia, Montenegro, Norway and the Republic of Moldova aligned themselves with the statement. The EU's Generalised Scheme of Preferences, under which Guatemala benefited from trade incentives, was granted to countries that ratified and effectively implemented international Conventions relating to human and labour rights, including ILO Convention No. 87. Through the EU–Central America Association Agreement and the Political Dialogue and Cooperation Agreement, the EU and Guatemala reaffirmed their commitment to respect and promote fundamental principles and rights at work. He emphasized the importance of Guatemala fully implementing the relevant ILO Conventions. While welcoming the positive developments, he expressed concern at the lack of progress on the roadmap agreed in 2013 and the nine indicators adopted in May 2015. He would support measures to achieve concrete results over the coming years, such as an increased ILO presence in Guatemala. He supported the draft decision.
147. *A Government representative of the United States* said there had not been any significant progress in Guatemala in achieving the goals laid out by the Governing Body. Few of the

perpetrators of anti-union violence had been prosecuted, and trade unionists remained at risk. Personal protection had only been provided to those willing to pay for it. There had been no progress in enacting legislation to bring national law into conformity with the recommendations of the Committee of Experts. The majority of court-ordered reinstatement orders remained unimplemented, without any consequences for the employers responsible. The Government had failed to authorize the Ministry of Labour to issue sanctions for violations of labour law. The very low rate of trade union registration approvals remained a major concern. There was no information on the increased number of labour inspectors and inspections, whether compliance with labour law had improved as a result, and what remedies had been provided for workers seeking to exercise their labour rights, especially in cases of anti-union discrimination. The ILO's supervisory bodies had concluded that the requisite changes had not yet been made to bring law and practice into conformity with international standards. He urged the Government to provide information on collective bargaining agreements; union registrations and why unions were not registered; the number of active unions; the number of labour inspectors and inspections, including violations; the number of cases referred to the labour courts and the time taken to resolve them, with the remedies obtained and penalties imposed; and the number of referrals to the Public Prosecutor for non-compliance with court orders, the length of prosecution and the penalties imposed and collected. He requested the Government to grant the ILO access to regional and municipal governments, and to empower the tripartite commission. He urged the Government to undertake the reforms as soon as possible. He supported the draft decision.

148. *A Government representative of Cuba* said that the measures taken by the Government of Guatemala and the technical assistance provided by the ILO proved that progress was possible when a spirit of cooperation prevailed. He supported the draft decision.

## **Decision**

149. *Taking into account the information contained in document GB.325/INS/8(Rev.1), and the information communicated by the Government and workers' and employers' organizations of Guatemala in relation to the key indicators and the roadmap, and noting in particular the request of the Tripartite Committee for International Labour Affairs and of the President of the Republic to extend the duration of, and to strengthen, the presence and action of the Special Representative of the Director-General of the ILO in the country, the Governing Body:*

- (a) urged the Government to take, without delay, all the measures necessary to fully implement the key indicators and the roadmap, including the priority areas that continued to require additional and urgent action;*
- (b) deferred until its 326th Session (March 2016) the decision on the appointment of a commission of inquiry;*
- (c) placed this item on the agenda of its 326th Session (March 2016);*
- (d) requested the Office to provide the Officers of the Governing Body, at its March and November sessions, with updated information on the progress made, including information provided by the Government and the employers' and workers' organizations of Guatemala, in particular on the follow-up given to the key indicators and the points of the roadmap;*

- (e) *invited the tripartite constituents of Guatemala to agree with the Office by the end of 2015 on the nature of an expanded mandate for the Special Representative in the country and asked the Office to allocate resources in order to extend the duration of its Special Representative's presence, as well as invited the international community to provide the necessary resources to enable the office of the Special Representative in Guatemala to strengthen its support for the tripartite constituents in the implementation of the Memorandum of Understanding and the roadmap.*

(GB.325/INS/8(Rev.1), paragraph 47.)

## **Financial implications**

(GB.325/INS/8(Add.))

150. *The Chairperson* invited the Governing Body to endorse the corresponding financial implications.

## **Decision**

151. *The Governing Body decided that the cost of the extension of the duration of the Special Representative of the Director-General of the ILO's presence in Guatemala, estimated at US\$882,000, be financed from savings that might arise under Part I of the budget or, failing that, through the use of the provision for unforeseen expenditure, Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.325/INS/8(Add.), paragraph 3.)

## **Ninth item on the agenda**

**Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session of the International Labour Conference under article 26 of the ILO Constitution**  
(GB.325/INS/9(Rev.))

152. *The Employer spokesperson* said that the Government's failure to submit a joint implementation report was all the more disappointing in light of the expectations raised by the Tripartite Agreement signed by the Government of the Republic of Fiji, the Fiji Trades Union Congress (FTUC) and the Fiji Commerce and Employers' Federation (FCEF) in March 2015. He supported the draft decision.
153. *The Worker spokesperson* said that, for several years, the ILO supervisory system had been raising serious concerns regarding the repeated and serious violations of the right to freedom of association in law and practice in Fiji and at each session the Government had made last-minute promises that were never fulfilled. A new Employment Relations Promulgation



(ERP) was passed in July 2015 without any consultation of or agreement with the social partners. The new ERP incorporated some of the worst provisions of earlier executive decrees, including the Essential National Industries (ENI) Decree whose repeal had been recommended by the Committee of Experts. The trade unions that had been deregistered had been replaced by non-union “bargaining units”, which were not subject to the extensive trade union registration, governance and compliance regimes. The list of essential industries had been expanded to include the important sugar and fishing industries and the Arbitration Court was not in operation. No collective bargaining had taken place, it was nearly impossible to exercise the right to strike and there had been no adequate investigation of the assaults on trade union leaders, for which no one had been arrested or prosecuted. The tripartite agreement signed in March 2015 provided that the Government would restore dues check-off, but that had not been implemented in government-owned enterprises. Clearly, the Government continued to view trade unions and the international community with contempt; before nearly every session of the Governing Body, it held a hastily arranged meeting or issued a statement in the hope of convincing the constituents that progress was being made. Much of the statements in the Government’s report were not a fair reflection of the reality on the ground. Therefore, while the Workers’ group was disappointed by the lack of consensus on the appointment of a commission of inquiry, it supported the draft decision.

154. *Speaking on behalf of ASPAG*, a Government representative of India said that he welcomed the progressive steps taken by the Government of Fiji since the 323rd Session of the Governing Body: it had repealed the ENI Decree and was working constructively and transparently with the social partners to amend its labour laws and address the other issues raised in the complaint. Moreover, the FTUC was now actively engaging with the Government. ASPAG therefore considered that it would be premature to consider appointing a commission of inquiry and proposed an amendment that would delete paragraph (c) of the draft decision and change the wording of paragraph (b) to read: “that, if the tripartite mission did not take place in time for a report to the 327th Session of the Governing Body (June 2016), then the 328th Session (November 2016) should take a decision on the appointment of a commission of inquiry under article 26”.
155. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Norway and Republic of Moldova. The EU had welcomed the Tripartite Agreement signed in March 2015 and had been looking forward to its implementation. Unfortunately, no concrete progress had been reported at the previous session of the Governing Body, the State’s labour legislation had not been amended to ensure compliance with ILO Conventions and the expected joint implementation report had not been provided. Since then, the situation had not changed. She was therefore surprised at the suggestion that the decision on the establishment of a commission of inquiry should be deferred to the next session of the Governing Body but supported the draft decision.
156. *A Government representative of Thailand* said that the Government should be given time to pursue its efforts to strengthen dialogue with the social partners and other stakeholders and to fulfil its obligations under the relevant ILO Conventions.
157. *A Government representative of the United States* recalled that the ILO supervisory bodies had been considering allegations of Fiji’s failure to comply with Convention No. 87 for the better part of a decade. The Governing Body had made every effort to accommodate national elections, dialogue between the Government and the social partners, and other evolving political situations, and the Office had made repeated offers of technical assistance. While the Government had taken steps to amend its labour laws, including by repealing the ENI Decree and amending the Employment Relations Act, the terms of the Tripartite Agreement had not been met: many unions were still deregistered, the non-union bargaining units

continued to enjoy a lower membership threshold for registration, it remained overly difficult for workers in the essential industries to strike and the list of those industries had been expanded. He was also concerned at the appointment of non-trade union groups to the Employment Relations Advisory Body (ERAB); what had been envisaged as a tripartite structure designed to achieve solutions to the country's labour issues had become a source of divisiveness. While noting with interest the new Minister of Employment's efforts to reach tripartite agreement, he was concerned that the Government had not implemented the recommendations made by the Committee of Experts. He was still hopeful that the parties would honour their commitments under the Tripartite Agreement but was concerned at the pace of its implementation and the fact that the joint implementation report had not been signed by the FTUC. For many years, the Government had been requesting the Governing Body to defer a decision on the establishment of a commission of inquiry, citing new commitments or political obstacles. Therefore, while he supported the draft decision as originally worded, he urged the Government to accept an ILO mission no later than the end of January 2016 and to continue to work with the parties to the Tripartite Agreement.

158. *A Government representative of China* noted that the Government of Fiji, through the ERAB, had initiated a constructive dialogue with the social partners and had undertaken a review of its labour legislation, culminating in the repeal of a number of decrees and the resumption of consideration of individual complaints, which had been discontinued under the ENI Decree, by the Employment Relations Tribunal. The Government of Fiji should be given more time to pursue the aforementioned dialogue and to carry out further legislative reforms. The decision on whether to establish a commission of inquiry should therefore be deferred until the November 2016 session of the Governing Body.
159. *A Government representative of India* welcomed the steps taken by the Government of Fiji to bring its labour laws and practices into conformity with international labour standards and to give effect to the March 2015 Tripartite Agreement signed with the FTUC and the FCEF, and to the recommendations of the ERAB. In particular, he noted the Government's commitment to repeal the ENI Decree, to restore check-off in all relevant entities and to resume the consideration of individual worker complaints, which had been discontinued under that Decree. He also welcomed the adoption of the Employment Relations (Amendment) Act September 2015, which gave legal effect to a number of the ERAB recommendations and authorized workers and employers to engage freely in collective bargaining. He recognized the efforts made to submit a joint implementation report, as mandated by the Governing Body in June 2015, and urged the tripartite constituents to work together to resolve all outstanding issues and to avail themselves of the monthly meetings between the Government and the ERAB for that purpose. The Government of Fiji should be given more time to pursue tripartite dialogue within the ERAB and to carry out further legislative reforms with the continued assistance of the ILO. The decision on whether to establish a commission of inquiry should therefore be deferred until the November 2016 session of the Governing Body.
160. *A Government representative of Fiji* said that significant progress had been made in improving labour relations in Fiji since the June 2015 session of the Governing Body. The Employment Relations (Amendment) Act, which had entered into force in September 2015, had repealed, inter alia, the ENI Decree and the Public Service (Amendment) Decree 2011, bringing all essential services and industries, as well as government officials, within the scope of the 2007 ERP. The Act guaranteed workers in essential services and industries the right to full freedom of association. Those workers could join an existing trade union or bargaining unit or form a new trade union or bargaining unit. The Act also authorized workers and employers to engage freely in collective bargaining; established an independent tripartite arbitration court competent to adjudicate on all disputes within the essential services and industries sector; and authorized the Employment Relations Tribunal to resolve rights-related disputes. Under the Act, the procedures for holding strikes and lock-outs

provided for under the ERP remained the same. The Act extended the prohibition of discrimination to include discrimination on the grounds of marital status, pregnancy, sexual orientation, gender identity and expression, HIV/AIDS status and religion, and broadened the prohibition of discrimination in rates of remuneration. The procedure for applying to register a trade union laid down in the Act was in line with ILO recommendations. Under the Act, responsible officials could only refuse to register the name of a trade union when it was offensive or discriminatory. It was possible for an officer of one trade union to serve as an officer of another. Furthermore, the Act required the Permanent Secretary to decide on the admissibility of a dispute within 30 days. If no decision was taken by that time, the dispute was considered to be admissible by default. The membership of the ERAB had been expanded to increase the representation of the social partners. The ERAB had met on several occasions to discuss the preparation of the joint implementation report. While the meetings had failed to produce a final report, they had resulted in the Government and employers making various concessions to Fijian workers, including the reduction of the mandatory notice period for strike action from 28 to 14 days for essential services and industries; the review of the list of essential services and industries; the resumption of consideration of individual complaints, which had been discontinued under the ENI Decree, by the Employment Relations Tribunal; and the decision to request technical assistance from the ILO in finalizing the list of essential services and industries. The Government of Fiji welcomed the draft decision contained in paragraph 5 of the report and would make every effort to accommodate the tripartite mission as soon as possible so as to leave the Office sufficient time to draft and submit a report for consideration by the Governing Body at its March 2016 session. However, the short space of time between the current session and the March 2016 session of the Governing Body, coupled with the fact that the ERAB only met once a month, could prevent the tripartite mission from witnessing further improvements in labour relations in Fiji.

161. *The Employer spokesperson* said that, in view of the Government of Fiji's repeated attempts to delay the Governing Body's decision on whether to establish a commission of inquiry, his group could not accept the amendment proposed by ASPAG.
162. *The Worker spokesperson* said that he supported the position taken by the Employers' group.
163. *A Government representative of Fiji* said that he was prepared to accept the draft decision without the amendment proposed by ASPAG.

## **Decision**

164. ***Regretting the continuing failure to submit a joint implementation report to the Governing Body in accordance with the Tripartite Agreement signed by the Government of the Republic of Fiji, the Fiji Trades Union Congress (FTUC) and the Fiji Commerce and Employers' Federation (FCEF) on 25 March 2015, and as requested by the Governing Body at its 324th Session (June 2015), the Governing Body:***
  - (a) ***called on the Government of Fiji to accept a tripartite mission to review the ongoing obstacles to the submission of a joint implementation report and consider all matters pending in the article 26 complaint;***
  - (b) ***decided that, if the tripartite mission did not take place in time for a report to the 326th Session of the Governing Body (March 2016), then the 326th Session should take a decision on the appointment of a commission of inquiry under article 26; and***

(c) *placed this question on the agenda of its 326th Session.*

(GB.325/INS/9(Rev.), paragraph 5.)

## **Financial implications**

(GB.325/INS/9(Add.))

### **Decision**

- 165.** *The Governing Body decided that the cost of the tripartite mission to Fiji, estimated at US\$63,750, be financed from savings that might arise under Part I of the budget or, failing that, through the use of the provision for unforeseen expenditure, Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.325/INS/9(Add.), paragraph 4.)

## **Tenth item on the agenda**

**Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution**  
(GB.325/INS/10(Rev.))

- 166.** *The Chairperson* said that the complaint outlined in document GB.325/INS/10(Rev.) had most recently been considered at the 323rd Session. The financing of the high-level visit to Qatar, addressed in document GB.325/INS/10(Add.), would be considered jointly with the complaint.
- 167.** *The Worker spokesperson* recalled that after the complaint had been deemed receivable in November 2014, an Office mission had been sent to Qatar and charged with reporting to the Governing Body in March 2015. The Workers' group had accepted to send a high-level tripartite mission instead of a commission of inquiry so that constituents could come to their own conclusions. The Government of Qatar had opposed the mission; the Governing Body had requested that Qatar submit information to the current session about action taken to address all issues in the complaint. After considering the complaint in June 2015, the Conference Committee on the Application of Standards had urged Qatar to implement a number of specific legal and institutional reforms. Qatar had rejected a second proposal for a tripartite mission. Little action had been taken since that time. Although the Government had hired additional labour inspectors, there were not enough inspectors to monitor the scale of abuse satisfactorily. The electronic payment system that had been instituted, the functioning of which remained to be evaluated, did not provide remedies for workers against unfair contracts or salaries.
- 168.** Law No. 21 of 2015 did not address the problems that the Workers' group had consistently raised, including the inappropriate control exercised over workers by the Government and employers. For example, the Law prohibited workers from ceasing to work for their

recruiters or deciding to work for other entities, prescribing penalties of up to three years' imprisonment and/or a fine of over €12,000. Workers required the permission of their employer and the Government in order to change employer and did not enjoy the right to a temporary transfer when suing an employer. The Ministries of Interior and Labour had total discretion to allow the transfer. There was evidence of workers being denied access to the justice system, so preventing them from bringing proceedings against their employer. Moreover, the Law provided that employers could loan workers to other employers without the worker's consent. It required workers to request an exit visa from the Government, to which the worker's employer could object, although the process for such objections or appeals against them by workers was unclear. Lastly, none of the provisions of the Law were to take effect until 2016. Therefore, the newly adopted Law did not address the direct requests of the Committee on the Application of Standards. In addition, the lack of freedom of association in Qatar made workers more vulnerable to forced labour, the existence of which was evident from recent reports and testimonies.

169. There was a lack of political will in Qatar to undertake real reform. In response to claims made by the Government of Qatar in Annex II to document GB.325/INS/10(Rev.), the Worker spokesperson said it was time for the Government to take action to pass a law on domestic workers, before the March 2016 session of the Governing Body. The Jureidini report, drafted for the Qatar Foundation, had found schemes designed by Qatari labour suppliers to shift the cost of recruitment onto workers; recruitment fees were not only a problem for the governments of workers' countries of origin. Qatar had provided no data about the number of reported cases of passport confiscation, or penalties applied in the event of violations. The Workers' concerns regarding insufficient penalties for violations of the Labour Code appeared to have been remedied only in relation to the requirement to pay wages by electronic transfer. The Workers' group supported the draft decision, particularly subparagraphs (a) and (b).
170. *The Employer spokesperson* said that his group welcomed the actions taken by Qatar to address the concerns raised in the complaint. The extent to which the reforms outlined in Annex II had been effectively implemented remained unclear, although an evaluation was anticipated. Serious dialogue was needed in order to move towards a resolution of all issues raised in the complaint. The Employers' group was ready to support any action that would promote such dialogue, and supported the draft decision.
171. *A Government representative of Qatar* said that his country was ready to present periodic reports when required regarding Conventions it had ratified, including Conventions Nos 29 and 81, and those that it had not. One effect of rapid economic development in Qatar was that the number of migrant workers had increased to represent some 85 per cent of the population. Those workers came from more than 130 countries, sometimes staying for short periods. That level of immigration posed challenges, which Qatar was tackling with resolve. All the requests made of Qatar in connection with the complaint had been met. Law No. 1 of 2015 provided for a wage protection programme for migrant workers, which was supported by the Qatar Central Bank, the Qatar Chamber of Commerce and private sector actors. The Ministry of Labour and Social Affairs had coordinated action to implement the Act, including through subsidiary implementing decisions, some of which allowed the Government to deny employment permits to employers who breached the rules. A campaign involving print and social media had been conducted and public meetings had been held to raise awareness about workers' rights. Over 11,000 companies and 600,000 employers were currently part of the wage protection programme. Noting that ILO standards required States to have sufficient numbers of labour inspectors to be effective, but that the averages presented by the ILO were for guidance only, he said that Qatar had increased the number of labour inspectors to 300 and had trained them jointly with regional and international organizations. Workers could lodge complaints in the main languages spoken in their countries of origin. Moreover, labour inspections and occupational safety and health

inspections had been separated and were conducted by independent organizations. Furthermore, Law No. 21 of 2015 regulating the entry, exit and residence of migrant workers in Qatar allowed workers to change employer at the end of a contract, and provided that workers could leave the country without prior approval from an employer. The Government was working with employers and workers to implement the wishes of the Emir, namely that those who contributed to the construction of Qatar should work in the best possible conditions, while at the same time preserving national specificities. The Government looked forward to the complaint being closed; Qatar had fulfilled all its commitments, and the allegations in the complaint were no longer justified.

172. *Speaking on behalf of the Arab group*, a Government representative of Sudan said that his group appreciated the continued efforts of the Government of Qatar to fulfil its commitments under Conventions Nos 29 and 81. The institutional and legislative reforms that it had introduced addressed the issues raised in the complaint, including by increasing the number of trained inspectors, improving the quality of accommodation for workers and enabling them to lodge complaints against employers in their own language. The changes introduced by Law No. 1 of 2015 and Law No. 21 of 2015 and the associated implementing instruments reflected its serious intent to promote and protect employment rights by developing a wage protection system and by abolishing the *kafala*, or sponsorship, system. Qatar was to be commended for its cooperative engagement with the supervisory mechanisms of the ILO and the various missions that had visited Doha in connection with the decent work strategy. The draft decision did not reflect the positive steps taken by Qatar to deal with the complaint and lacked the objectivity and impartiality required of tripartite negotiations, causing some to wonder what had become of workers' interests and rights in that context. The complaint should be closed, and Qatar should be encouraged to continue its process of reform, with appropriate support from the Office where that was requested.
  
173. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands, speaking also on behalf of Albania, Republic of Moldova, Montenegro, Norway and Switzerland, said that compliance with the ILO's fundamental Conventions was essential for social and economic stability. Acknowledging the measures taken by Qatar, he said that the next step was for legislative changes to enter into force without delay. The ILO's expertise would be essential to assess the conformity of the new legislation with international labour standards. The Qatari Government should provide information on its work with international recruitment agencies and labour-sending governments in order to secure a rights-based migration process. Further, it should work with the ILO to create, and rapidly implement, a programme of cooperation on decent work. The Government should accept the proposed ILO technical support and high-level tripartite mission, and take further steps to comply with Conventions Nos 29 and 81. The EU was prepared to support Qatar in its efforts to do so. He supported the draft decision.
  
174. *Speaking on behalf of the Gulf Cooperation Council*, a Government representative of Bahrain welcomed the recent reforms introduced by the Government of Qatar and highlighted the enactment of Law No. 1 of 2015, establishing a wage protection system, and Law No. 21 of 2015, replacing the sponsorship system with a labour contract system. The Government of Qatar's achievements in such a short period demonstrated the high level of importance it attached to workers' rights. It was strange that the draft decision did not take into account the positive steps taken by Qatar or its close collaboration with the ILO and other stakeholders. The Government had followed through on its commitments to improve workers' living conditions and the Governing Body should encourage its efforts. The case should be closed, as Qatar had requested, and the Office should continue to provide assistance with further reforms.
  
175. *Speaking on behalf of 33 members of ASPAG*, a Government representative of India noted the detailed information provided by the Government of Qatar on the action taken to address

the issues raised in the complaint. He highlighted Law No. 21 of 2015, abolishing the sponsorship system, and Qatar's ongoing collaboration with the ILO. He recommended that Qatar should provide the Office with an official copy of Law No. 21 of 2015, avail itself of ILO technical cooperation and submit information on action taken to address all the issues raised in the complaint to the Governing Body at its 329th Session (March 2017). In view of the significant progress achieved, his group considered that no further action was required and the complaint should be removed from the agenda of the Governing Body.

176. *A Government representative of Algeria* said that the Government of Qatar had shown a spirit of cooperation by taking significant steps to remove the constraints imposed on migrant workers and by implementing legislation in conformity with ILO Conventions. Law No. 21 of 2015, in particular, represented an important advance. In the light of all the measures taken by Qatar, the role of the Office should be to provide support to effectively implement the reforms – especially as the Government had demonstrated its full willingness to cooperate with the ILO in that regard.
177. *A Government representative of the Bolivarian Republic of Venezuela* highlighted the measures taken by the Government of Qatar to resolve the problems raised in the complaint, and regretted that the Office had not appended the report of the September 2015 high-level mission to document GB.325/INS/10(Rev.). That report would not only have helped to guide the Governing Body's decision on the case but should have been included in the interests of objectivity, impartiality and transparency. The current document was incomplete, and could be considered to infringe the Qatari Government's right to a defence.
178. *A Government representative of the United States*, while acknowledging the positive measures taken by the Government, said that they did not constitute sufficient progress in addressing the allegations of non-compliance with Conventions Nos 29 and 81. Under Law No. 21 of 2015, for example, employers still retained an unwarranted degree of control over workers. Furthermore, legislative changes alone were insufficient: effective enforcement was necessary. The Government had not provided much new information since March 2015. It should submit further information on the enforcement of laws prohibiting passport confiscation, contract substitution and people trafficking; and on sanctions imposed for violations of labour law. There had been no progress since March on the protection of domestic workers, who were among the most vulnerable to abuse. Under those circumstances, the United States would have supported the establishment of a commission of inquiry but was prepared to settle for accepting the draft decision.
179. *A Government representative of the United Arab Emirates* valued highly the reforms and measures undertaken by the Government, which the draft decision did not take into account. He, too, requested that the case should be closed and the item struck from the agenda of the Governing Body.
180. *A Government representative of the Islamic Republic of Iran*, pointing to the measures taken to improve the situation of migrant workers and the Qatari Government's cooperation with the various ILO missions, said that Qatar had demonstrated its commitment to workers' rights. That deserved acknowledgement, and the country required ample time to institutionalize its ongoing reforms. No further action by the ILO was required: the complaint could be removed from the agenda. He called on the Office to provide the Government with the necessary assistance in promoting and protecting workers' rights.
181. *A Government representative of Turkey* welcomed the measures taken by the Government, including efforts to combat human trafficking and the abolishment of the sponsorship system, which indicated its commitment to reform. The Government required assistance and expertise to implement its legislative reforms. He urged the Government to continue working

with the ILO and to take further steps to enhance enforcement. There was no need to take further action on the complaint.

182. *A Government representative of Thailand*, welcoming the commitment shown by the Government to promote and protect labour rights, supported closing the case.
183. *A Government representative of Sudan* (Minister of Labour and Administrative Reform of Sudan) expressed appreciation for the Qatari authorities' cooperation with the various high-level missions. The Government's political will to promote decent work and improve migrant workers' working conditions was evident, and the steps it had taken were commendable. He had personally witnessed the positive impact of the reforms on a visit to one of Qatar's largest industrial cities. He therefore supported Qatar's request to close the complaint.
184. *A Government representative of India* said that the Government of Qatar was evidently making progress on protecting workers' rights; Law No. 21, in particular, was a significant step. The Government's re-examination of its draft law on domestic workers was welcome; that should be concluded as soon as possible. He encouraged the Government to continue with its reforms and to address all remaining labour rights challenges. Its commitment to improving labour conditions was further reflected in its engagement with the ILO. The Governing Body should close the complaint.
185. *A Government representative of Pakistan* said that, as a major source of Qatar's expatriate workers, Pakistan was satisfied with the Government's actions, which showed its determination to address the issues raised in the complaint. No further action was required on the complaint; he supported its removal from the agenda of the Governing Body.
186. *A Government representative of Cuba* said that throughout the UN system, the relationship between an organization and its member States was based on cooperation and dialogue, transparent exchange of information, capacity-building support, promotion of good practices and mutual acknowledgement of progress made and obstacles to surmount. Only on those bases could effective, sustainable results be achieved.
187. *A Government representative of the United Republic of Tanzania*, noting the legal and institutional measures taken to protect migrant workers, encouraged the Government to continue its work, in collaboration with the ILO. He looked forward to the Governing Body's conclusions on the matter.
188. *A Government representative of Chad* said that the information provided by the Government of Qatar was proof that the initiatives it had taken not only responded to the concerns of the international community, but also tackled harmful practices against workers in general and the rights of expatriate workers in particular. There was a real sense of commitment by Qatar to bring about change and to comply with the ILO instruments to which it was a party. He therefore supported and encouraged the Government's ongoing efforts to implement the measures it had introduced.
189. *A Government representative of Jordan* commended government measures to address many of the key issues cited in the ILO recommendations following its recent missions to Qatar. He noted with interest the recent visit of the ILO Deputy Director-General for Field Operations and Partnerships to Doha to discuss the main themes to be included in the decent work strategy. Qatar had responded positively to addressing the core substance of the complaint; Jordan therefore supported the removal of the case from the Governing Body agenda, on the clear understanding that the Government would continue with its reform process and avail itself of ILO assistance.



- 190.** *A Government representative of Canada* urged the Government to expedite implementation of new legislation and amendments to ensure positive, substantive changes to the living and working conditions of all migrant workers. He looked forward to the assistance of ILO mechanisms in considering Law No. 21. He recognized Qatar's cooperation with the ILO and encouraged it to continue, including by agreeing to the ILO request for a high-level tripartite visit to Qatar. Canada would support government efforts to observe international labour standards, and endorsed the draft decision.
- 191.** *A Government representative of the Dominican Republic* recognized the efforts and progress made by the Government, particularly the introduction of Law No. 21, and recommended that Qatar should continue its efforts towards compliance with ILO standards.
- 192.** *A Government representative of Mauritania* said that he had personally visited Qatar and seen how the reforms were being implemented in practice. Migrant workers working on the vast projects under development in Qatar had told him of the guarantees that they enjoyed, the incentives they received and the positive future they saw before them. He encouraged the Government to continue with the reform process and called for the case to be removed from the Governing Body agenda.
- 193.** *A Government representative of Bangladesh* noted the significant progress made to address the issues raised in the complaint, and welcomed legislative measures adopted on wage payments to expatriate workers and on the employment contract system. He encouraged Qatar to strengthen its use of ILO technical cooperation. Taking into consideration the progress made, the ILO should allow Qatar more time before contemplating further steps.
- 194.** *A Government representative of Bahrain* recalled that, apart from the legislative measures adopted on wage protection, labour inspection and the entry and exit of migrant workers, a number of bilateral agreements had been signed between Qatar and countries of origin. Those initiatives proved that the Government had fulfilled its obligations, promises and commitments. The Governing Body should therefore be more flexible in allowing Qatar more time and space to continue with its reform process. Bahrain supported removing the item from the agenda.
- 195.** *An Employer member from the United Arab Emirates* said that the Employers' group had failed to reach a consensus on the complaint. As an employer and witness to the changes in Qatar, he welcomed the measures, reforms and practical steps taken by the Government, which were evidence of its relentless efforts to enhance the protection of labour rights. He commended the Government on its political will and readiness to continue constructive dialogue and cooperation with the ILO and the different stakeholders. He underscored that Qatar had fulfilled its obligations regarding migrant workers and had protected their rights, providing them with a safe and secure working environment. The employers of the United Arab Emirates called for the removal of the complaint from the agenda.
- 196.** *An Employer member from Algeria* said that it was clear that Qatar had genuinely cooperated with the ILO. Further measures to lift restrictions on migrant workers and efforts to bring legislation into line with ILO Conventions should be encouraged. The employers of Algeria welcomed recent measures, including the criminalization of forced labour and the introduction of legislation on migrant worker entry and exit and residency. They encouraged government institutions to collaborate on matters involving migrant workers. They welcomed the creation of an official body responsible for occupational safety and health, enhanced labour inspection and the payment of wages via banks. That was evidence of great progress in reforms and legislation, which the Organization should support and encourage.
- 197.** *An Employer member from Bahrain* said that government efforts, particularly legislative measures, demonstrated the genuine intent to implement ILO Conventions and provide

appropriate working conditions. It was evident that Qatar was doing its utmost to improve working conditions and had even done more than had been requested of it. The employers of Bahrain therefore considered that the reasons that had led to the complaint were no longer valid and supported the closure of the case.

198. *The Worker spokesperson* requested that, in view of the lengthy discussions on the matter, including at previous sessions of the Governing Body and the ILO's supervisory bodies, the Governing Body should put the draft decision to a vote in order to take a clear decision.
199. *The Chairperson* said that, having consulted with the other Officers of the Governing Body, she had decided to put the draft decision contained in paragraph 10 of document GB.325/INS/10(Rev.) to a vote, as requested by the Worker Vice-Chairperson, pursuant to article 2.2(1)bis of the Standing Orders of the Governing Body.
200. *Speaking on behalf of ASPAG*, a Government representative of India said that he had understood that following consultations, the various groups would be permitted to express their views. The process of consensus, a cornerstone of the ILO, had previously enabled the tripartite constituents to address problems in the world of work jointly and effectively. There was still time to reach consensus and that effort should be given a fair chance.
201. *Speaking on behalf of GRULAC*, a Government representative of Mexico agreed with ASPAG. While the relevant provisions of the Standing Orders of the Governing Body were clear, the GRULAC States would prefer to reach a negotiated solution. Moreover, the report mentioned the high-level mission conducted in September 2015 but said nothing about its outcome. That information and an opportunity for further dialogue should be provided.
202. *A Government representative of Algeria* said that voting was divisive and should be viewed as a last resort as it would send a negative message to the international community, the Government of Qatar and the workers whose rights the Governing Body sought to protect. Further consultations were needed, particularly as some delegations needed time to consult with their governments.
203. *A Government representative of Cuba* said that, as a member of GRULAC, he believed that every effort to find a solution through cooperation and dialogue should be made.
204. *A Government representative of India* said that the ILO had a history of giving priority to dialogue and the Governing Body had been able to take other important decisions through mutual give and take. It would be useful to know whether such decisions had been taken by a vote in recent memory but, even if that was the case, the delegations that had requested more time should be given it.
205. *Speaking on behalf of the Eastern European group*, a Government representative of Romania said that his group supported the draft decision and stood ready either to vote or to engage in further consultations.
206. *A Government representative of Angola* said that he agreed with the Government representative of Algeria; it was important to preserve the traditions of the Organization, which had always taken decisions by consensus. There had been some progress on the complaint since the previous session of the Governing Body and the Government of Qatar should be given an opportunity to do more in that regard.
207. *The Worker Vice-Chairperson* said that none of the efforts to avoid the need for a commission of inquiry, including the request for a tripartite mission, had been accepted; it was time for a vote.

208. *A Government representative of Bahrain* said that there was no need to resort to a vote; there was still time to reach a consensual solution through tripartite consultations.
209. *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that, in light of the statement made by the Worker Vice-Chairperson, he wished to reiterate that the EU and its Member States supported the draft decision and stood ready to vote on it.
210. *A Government representative of the United States* said that he, too, supported the draft decision and stood ready to vote.
211. *A Government representative of Sudan* said that a better solution could be reached through dialogue; more time should be allocated to consultations with a view to consensus.
212. *A Government representative of Japan* said that, in such cases, it was important to obtain the active involvement of the government of the concerned State. With dialogue not yet exhausted and two days remaining before the end of the session, there was no need to rush to a vote.
213. *The Director-General* recalled that, at its 323rd Session, the Governing Body had had before it, as it did at the present session, a recommendation by the Officers of the Governing Body that a high-level tripartite mission should be undertaken to Qatar before June 2015. The Governing Body had not approved that recommendation and, consequently, no such mission had taken place. In September 2015, a high-level mission, the third of its kind, had been sent to Qatar in connection with a development cooperation programme.
214. *The Chairperson* said that the Governing Body was bound by its rules; when a member officially requested a vote, the vote must be held. The Governing Body would be considering other complaints involving sovereign States during its current session and must deal with them in an equitable manner, but with only two days remaining a certain time limit must be set. The various groups had been provided with rooms, secretarial assistance and interpretation so that they could consult prior to the present meeting. She therefore requested those who had called for further consultations to propose specific amendments to the draft decision.
215. *A Government representative of Algeria* said that there appeared to be a contradiction in the text of the draft decision: in subparagraph (a), the Government was requested to provide information to the Committee of Experts on the Application of Conventions and Recommendations at its upcoming session (18 November–5 December 2015), but in subparagraph (b) it was asked to receive a high-level tripartite visit before the Committee had had an opportunity to consider that information. Moreover, subparagraph (d) predicted the result of the tripartite visit. The meeting should be suspended to allow the respective groups to consult on the wording of the draft decision.
216. *A Government representative of India* said that other UN bodies gave delegations as much time as possible in which to consult before resorting to a vote. He reiterated his request for clarification: had the Governing Body previously held a vote in such situations and, if so, when?
217. *The Director-General* said that the most recent such vote had been held in 2001 on an article 26 complaint involving Colombia.
218. *The Chairperson* said that there was thus a precedent: a vote in the Governing Body was an established means of conveying the will of the international community, namely its wish to help the Government of Qatar to carry out its announced intention to implement its new

legislation as stated by its Minister of Labour at the previous meeting. She wondered whether, in light of the comments made by the Government representative of Algeria, the Workers' group would be amenable to deferring the question of whether to request the Government of Qatar to receive a high-level tripartite visit.

**219.** *The Worker Vice-Chairperson* said that the wording of the draft decision represented a compromise reached by the Officers of the Governing Body. He reiterated his request for a vote on the text as it stood.

**220.** *The Governing Body proceeded to a vote by a show of hands on the adoption of the draft decision. The results of the vote were:*

*In favour: 35 votes*

*Against: 13 votes*

*Abstentions: 7*

**221.** The draft decision was adopted.

**222.** *A Government representative of Brazil* said that he was disappointed that the Governing Body had been unable to reach consensus and had therefore abstained from voting.

**223.** *A Government representative of Japan* reiterated that the problem could not be solved without the active involvement of the Government of Qatar. He would have preferred to pursue consultations and, for that reason, had abstained from voting. He hoped that dialogue and cooperation with the Office and the Government would continue.

## Decision

**224.** *In light of the reports submitted by the Government on measures taken to address the issues raised in the complaint, including the Law No. 21 of 27 October 2015 on the regulation of the entry and exit of expatriates and their residency, of which an unofficial copy was received, the Governing Body:*

- (a) requested the Government of Qatar to provide an official copy of Law No. 21 of 27 October 2015 in its report on the Forced Labour Convention, 1930 (No. 29), in time for its review by the Committee of Experts on the Application of Conventions and Recommendations at its upcoming session (18 November–5 December 2015);*
- (b) requested the Government of Qatar to receive a high-level tripartite visit, before the 326th Session (March 2016), to assess all the measures taken to address all issues raised in the complaint, including on measures taken to effectively implement the newly adopted Law relating to the regulation of the entry and exit of expatriates and their residency;*
- (c) requested the Government of Qatar to avail itself of ILO technical assistance to support an integrated approach to the annulment of the sponsorship system, the improvement of labour inspection and occupational safety and health systems, and giving a voice to workers; and*

- (d) *deferred further consideration on setting up a commission of inquiry until its 326th Session (March 2016), in light of the information referred to in paragraphs (a), (b) and (c) above.*

(GB.325/INS/10(Rev.), paragraph 10.)

## **Financial implications** (GB.325/INS/10(Add.))

### **Decision**

- 225.** *The Governing Body decided that the cost, estimated at US\$25,550, of the high-level visit to Qatar that it had decided to arrange be financed from savings that might arise under Part I of the budget or, failing that, through the use of the provision for unforeseen expenditure, Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.325/INS/10(Add.), paragraph 4.)

## **Eleventh item on the agenda**

### **Review of the implementation of ILO–ISO agreements** (GB.325/INS/11)

- 226.** *A representative of the Director-General (Deputy Director-General, Policy) updated the Governing Body on developments since submission of the document relating to consultation of the ILO by the leaders of the Project Committee of the International Organization for Standardization (ISO) during the process of editing of the ISO draft standard. In the past, additional divergences from the principles of international labour standards had arisen and the editing committee's consultation with the ILO had been requested by the Project Committee, which had adopted a proposal from Japan's standard-setting body. The process was currently under way and, if successful, could help to further narrow differences left to resolve. However, continued participation of the ILO would be needed to resolve some remaining ILO issues based on basic principles of international labour standards. She further noted that, in accordance with Governing Body decisions and guidance, the Office had so far declined the requests of national standard-setting organizations to become engaged in other new ISO standard-setting drafting processes. The Office would be in a position to provide the Governing Body with a full menu of options for collaboration between the ILO and the ISO after completion of the pilot on ISO 45001 sometime in 2016.*
- 227.** *The Employer spokesperson noted that the ILO had objected in 2007 to the development of an ISO occupational safety and health management standard but the ISO had decided to pursue that field of activity in 2013, and the Governing Body had approved an agreement between the ILO and the ISO that same year. The Office's main aim was to ensure that ISO standards respected and did not conflict with relevant international labour standards. A fundamental principle of ISO work was that it did not reflect compliance with legal requirements; having international labour standards referred to in the ISO requirement was not the purpose. The Agreement between the ILO and the ISO authorized by the Governing*

Body stipulated that ISO standards should use labour standards as a source of reference with respect to ILO issues in case of conflict. But the ISO had its own rules and the Agreement did not require priority to be given to international standards in the event of a conflict. The ISO had agreed to avoid conflict with ILO standards when developing the text of the standard, while following the ISO's principle of consensus. The work of the Office was to provide technical input; the Employers agreed that the Office's role was to provide guidance on ILO issues and to promote international labour standards. In that regard, the Employers commended the Office on progress made in aligning the text of the ISO standard with international labour standards during the previous ISO meeting. His group also welcomed the fact that the ISO would edit the draft international standard in consultation with the Office in order to avoid conflict.

- 228.** The Employers also noted that the Office had expressed regret that a number of important comments had not been accorded priority consideration. However, in their view, if some Office comments had not been accorded priority consideration, that did not constitute a breach of the Agreement, which mainly enabled the ILO to influence the content of the standard. The issue was the ISO principle of consensus, as other stakeholders had legitimacy in the process. As an observer, ILO influence was moderated by that of national experts, who sought to ensure that their country standards were reflected. Overall, the lack of priority was not of great concern; it would not be damaging to international labour standards, as they had to be respected and implemented if ratified by member States.
- 229.** Some Employers had questioned the usefulness of extending the pilot implementation, but would support it. They did not support Office engagement in the possible development of new ISO work on competency requirements for the auditing and certification of the occupational safety and health management system. The Employers' group supported the draft decision.
- 230.** *The Worker spokesperson* reiterated that the ILO must remain the sole standard-setting organization for the world of work and continue to adopt standards: no privately set standards should replace international labour standards developed by tripartite constituents. Her group had difficulty in supporting the proposal to extend the pilot implementation of the Agreement and for the Governing Body to review the Agreement in November 2016 given that the ILO–ISO Memorandum of Understanding was not working. The ISO could not give effect to the stated objectives of that document without making changes to its established processes, and seemed neither prepared nor under any pressure to do so; moreover, the document did not propose any measures that the ISO should take. Such measures could include establishing a joint oversight body empowered to change draft ISO standards to bring them into line with international labour standards, and requiring that national delegations have legitimate Workers' and Employers' representatives where standards involved social issues or international labour standards. Indeed, the desirability of tripartite representation – particularly representatives from labour organizations – had been specifically accepted in the new work item proposal for ISO 45001.
- 231.** Instead of renewing the pilot implementation, the Governing Body should authorize the Director-General to initiate negotiations for a new agreement, and recommend that he take a more proactive approach. The role of ISO standards in global governance should be publicly debated by the ILO and other UN organizations. Flaws in ISO processes (participation and decision-making) should be discussed and addressed in international forums. The ILO should forcefully comment on all new work item proposals where the resulting standard could undermine international labour standards. It should also consider actively opposing such proposals during the balloting process, possibly by approaching governments in countries with a formal relationship with the national standards body concerned.

232. More specifically, her group was concerned at the decision to defer discussion of the interpretation or modification of the Agreement until the draft of ISO 45001 was complete. The fact that the ISO and the ILO held different views on the precedence of international standards could have a negative impact on the substance of ISO 45001, and should be addressed urgently.
233. With respect to ISO 45001, the text of the draft international standard concerning worker participation was likely to be satisfactory. However, progress on that issue could be resisted by ISO national standards bodies during the balloting stage, and subsequent setbacks were possible. Moreover, a number of important comments from the ILO remained to be addressed. Therefore, the Workers did not support the wording in the draft decision that the Governing Body should note “progress in recent collaboration” between the ILO and the ISO, and did not share that positive assessment of the situation. Although the document rightly focused on Office efforts to influence the draft standard, the instrumental role of participating trade unionists in securing improvements to the text should not be underestimated.
234. She noted that it was important for the Office to consult its constituents before sending its high-level comments on the draft international standard to the ISO for circulation to its members, and requested further details about the substance of the consultations with the ILO under way in the editing process on avoiding conflicts with international labour standards, the options available and when the discussions were expected to finish, so that a report could be provided to the Governing Body.
235. Noting the reference to auditing and certification of ISO occupational safety and health management systems, she recalled that the Workers’ group was opposed to private certification of occupational safety and health policies, which should remain in the public sphere.
236. The Workers’ group proposed a revised draft decision to emphasize their concerns, while accepting the proposal to extend the pilot and report back to the Governing Body thereafter.
237. *Speaking on behalf of the Africa group*, a Government representative of Sudan concurred that the position taken by the ISO was inconsistent with the language of the 2013 Agreement. The group appreciated the efforts of the Project Committee on the development of ISO 45001 and agreed that aligning it with relevant international labour standards would be beneficial to firms. It would be advisable to enhance coordination between national ministries of labour, the ILO and the local ILO office. She encouraged the ILO to continue to participate in the Post Publication Organization’s Strategic Advisory Group and, in relation to the ISO 45001, to circulate its comments at the Draft International Standard stage. The group supported the Workers’ amendment to the draft decision.
238. *Speaking on behalf of GRULAC*, a Government representative of Mexico welcomed the positive results of the Office’s efforts to make the ISO aware of inconsistencies between ISO 45001 and ILO standards and encouraged it to continue to do so. The presence of the Office in the process was indispensable to achieving alignment. His group was concerned that occupational safety and health training and protective equipment at no cost to workers had received insufficient attention. He encouraged the Office to keep abreast of any new ISO standards related to the world of work and to assess the need to establish further cooperation with the ISO when the time came. His group supported the draft decision, as amended by the Workers’ group, subject to the deletion of the word “exclusively” in subparagraph (a).
239. *Speaking on behalf of IMEC*, a Government representative of Norway was pleased to learn that, as a result of the ILO’s sustained efforts, measurable progress had been made to avoid conflicts with international labour standards in the text of ISO 45001. Given that some

challenges remained, it would be worthwhile to extend the pilot implementation of the 2013 Agreement in order to give the ILO enough time to participate effectively in the completion of ISO 45001 and review it in November 2016. The 2013 Agreement had been authorized on the condition that ISO standards would be consistent with international labour standards. IMEC therefore supported the draft decision and the Workers' amendment.

- 240.** *A Government representative of Italy*, also speaking on behalf of Spain, had additional concerns from a national point of view about some elements of the first draft of ISO 45001. First, the process of worker participation and consultation had been written into a new paragraph that had not yet been discussed and the final version of the ISO standard needed to ensure consistency of that process with international labour standards. Second, there was no requirement for enterprises to provide training, and evaluating and ensuring the necessary level of competence was left to the management to determine. Third, their proposals for an explicit statement that both training and personal protective equipment must be provided at no cost to workers had been rejected and they would strongly submit that proposal again. Fourth, they would insist on a statement to require that the occupational health and safety management system must apply to all processes within a company despite ISO rules on the high-level structure text (the "base text" used for an ISO management system standard) which allowed the possibility to adopt a management system for only some of the processes in the organization. Fifth, the definition of "ill health" had to be adjusted in order to be consistent with that contained in international labour standards and EU directives. All those key issues must be addressed to ensure that ISO 45001 was truly compliant with international labour standards in accordance with the 2013 Agreement.
- 241.** *A Government representative of Kenya* stressed that ISO standards and indeed any other instruments concerning the labour market and interaction between workers and employers or tripartite engagements should be referenced through the ILO, even more so when those matters fell squarely within the mandate of the ILO. Actors in the labour market, including firms and labour inspectorates, could draw a double dividend from coherence between ISO standards and ratified Conventions. Conflicts between standards relating to a particular group of workplaces or sector and confusion that ISO standards were an alternative to international labour standards must be avoided. His Government supported further consultations until a final standard was reached. He endorsed the draft decision.
- 242.** *A Government representative of India* had persistently expressed concern at any sort of parallel body of labour standards particularly from a private body like the ISO. She noted that the ILO, despite its sincere efforts, had achieved only limited success through its collaboration with the ISO. She wished to know what mechanism was available under the 2013 Agreement to ensure that ISO standards which were not in line with international labour standards would not be adopted. Since the ILO was the supreme body for setting international labour standards and the world's guide on matters concerning the welfare of workers, private compliance initiatives that diverged from ILO standards must be discouraged. The pilot scheme should be restricted to the agreed initiatives.
- 243.** *A Government representative of Japan* emphasized the importance of continued dialogue with the ISO in order to avoid contradictory international standards. He supported the proposed amendment.
- 244.** *A representative of the Director-General* (Deputy Director-General, Policy) said that the Office would continue to take into account the diverging views on the issue under consideration. In reply to specific suggestions and questions, she noted that the ILO did not have the capability to comment on all new work items proposed by the ISO, but it was attempting to develop a screening mechanism to identify items of particular relevance in order to determine whether the Office might consider becoming involved, subject to the guidance of the Governing Body. In addition, the ILO retained the right under the 2013



Agreement to oppose the final draft of ISO 45001 if it was inconsistent with international labour standards. It had devised a process for circulating its views and suggestions to the bodies which would vote on that standard. The final decision on what would happen in the event of inconsistency would be made by the affiliated bodies of the ISO. At that point it would be important for all members of the Governing Body to inform their national standard-setting organizations of their views on the final draft of ISO 45001 and the importance of ISO standards being in line with international labour standards. The Office had been consulting with constituents on the draft text of ISO 45001 and was committed to continuing to do so. It would be too soon to take a final decision on the draft standard in January, since the process would likely still be under way. The active support which the Office had received from worker and employer participants in the ISO process, and from governments engaged in consultations with national standards bodies on specific issues of consistency with international labour standards, was invaluable.

245. *The Employer spokesperson* said that the Employers could support the Workers' amendment, despite not fully agreeing with the argument behind it.

## **Decision**

246. *Noting the progress and remaining challenges in recent collaboration and the developments relating to the high-level contacts, the Governing Body decided:*

- (a) *to authorize the Director-General to continue the pilot implementation of the 2013 Agreement between the International Labour Organization and the International Organization for Standardization for the ILO's effective participation in the completion of ISO 45001, including for the circulation of an Office opinion annexed to the ballot materials of ISO 45001;*
- (b) *to decide, no later than its 328th Session (November 2016), on the basis of an analysis conducted by the Office, whether to continue or revise the 2013 Agreement, negotiate a new agreement, or take other necessary action in recognition of the ILO's mandate.*

(GB.325/INS/11, paragraph 14, as amended.)

## **Twelfth item on the agenda**

### **Report of the Committee on Freedom of Association**

#### **376th Report of the Committee on Freedom of Association**

(GB.325/INS/12)

247. *The Chairperson of the Committee on Freedom of Association* said that the Committee had noted 159 pending cases, of which 33 had been examined on their merits. The Committee had issued urgent appeals to the governments involved in Cases Nos 2723 (Fiji), 3095 (Tunisia) and 3104 (Algeria), but had not yet received complete observations from them, despite the time that had elapsed since the submission of complaints. Those governments should transmit their observations as a matter of urgency. The Committee had been obliged to examine Cases Nos 3067 (Democratic Republic of the Congo),

3081 (Liberia), 3076 (Republic of Maldives) and 3101 (Paraguay), without the benefit of information that could have been provided by those governments. The Committee had decided to have recourse to paragraph 69 of its procedures for Case No. 3113 (Somalia); the Government of Somalia had therefore been invited to come before the Committee at the Governing Body session in March 2016.

- 248.** The Committee had examined 20 cases in which governments had informed it of measures taken to give effect to its recommendations. The Committee had noted with satisfaction the progress made in many of those cases, including the following: Case No. 2765 (Bangladesh), in which the dispute had finally been resolved with the complainant's election to the union's executive committee; Case No. 2907 (Lithuania), in which the Committee had noted the constructive engagement of the Government with the social partners and a number of amendments that had been made to the Labour Code; Case No. 2966 (Peru), in which one of the pending cases had been resolved; Case No. 2815 (Philippines), in which the pending matters relating to one enterprise had been resolved and a Memorandum of Agreement had been reached in the other enterprise; and Case No. 3037 (Philippines), in which the final and definitive judicial resolution of a trade union leadership dispute had been achieved.
- 249.** The Committee had again drawn the Governing Body's attention to the serious and urgent case of Cambodia, Case No. 2318, on the absence of judicial decisions clearly identifying those responsible for the murder of trade unionists. The Committee had had recourse to paragraph 69 of its procedures, and the Government had provided written and oral information. The Committee welcomed the judicial steps taken to investigate the violent acts against trade unionists. The Government was urged to ensure that the special inter-ministerial committee kept the national employers' and workers' organizations, including the complainants in the case, informed on a regular basis of the progress of its investigations. The Committee expected that the full report on the reopened investigations would be transmitted in the near future. Constructive discussions had been held about the Committee's working methods.
- 250.** *The Employer spokesperson* said that the Committee again had to use paragraph 69 of the Committee's procedures in connection with Case No. 3113 (Somalia). There had been a spirit of constructive dialogue and mutual respect at the meeting on working methods. It was important to remember that the Committee was not a court, it did not have a judicial mandate and it did not create legal jurisprudence. However, its guidance to governments should promote the constitutional principle of freedom of association and the ILO's constitutional authority. Tripartite governance should apply to all the Committee's work, its processes and guidance should be transparent, and its recommendations to governments on complaint resolution should be better promoted. He looked forward to the presentation by the Committee to the Governing Body in March 2016 of a separate report on the ILO's supervisory system.
- 251.** *The Worker spokesperson* said that, in each of the 33 cases examined, the Committee had reached its conclusions and recommendations by consensus. The Governing Body's attention was drawn to Case No. 2318 (Cambodia) because of its extreme seriousness and urgency. Regarding Case No. 3113 (Somalia), the Workers' group supported the use of the procedures set out in paragraph 69. The trade union movement did not enjoy freedom of association in Somalia. Somalia had ratified Conventions Nos 87 and 98 but was far from implementing just, minimum conditions as required and needed assistance. His group supported the recommendations in that case.
- 252.** Urgent appeals had been made in Cases Nos 2723 (Fiji), 3095 (Tunisia) and 3104 (Algeria). In Case No. 2988 (Qatar), the Government had referred to the recent development of labour market legislation and legislation concerning migrant workers. However, that legislation did not address the issues concerning freedom of association. The 1.5 million migrant workers

still trapped in Qatar constituted modern-day slavery, and Qatar continued to deny workers their rights. On the other hand, constitutional recognition of the trade union rights of migrant workers had been achieved in the Republic of Korea following the Committee's recommendations in Case No. 2620. In Turkey (Cases Nos 2892 and 3011), basic trade union rights were denied, protection against anti-union discrimination was non-existent and dismissals of trade union activists were not investigated. Furthermore bomb explosions at a peaceful rally in Ankara the previous month, organized by Turkish trade unions and other civil society groups, had killed 86 people and injured 186.

253. He drew attention to two cases where the Committee had recently developed its conclusions and recommendations by consensus. In Case No. 2786 (Dominican Republic), the Committee had concluded that the principles of freedom of association and collective bargaining applied to all workers, whether they had an employment contract or were self-employed. Regarding Case No. 3096 (Peru), the Committee had concluded that responsibility for declaring industrial action illegal should lie with an impartial and independent body. The Committee had also examined Cases Nos 3046 and 3083 (Argentina), which illustrated the limited scope for collective bargaining and collective bargaining being hindered in the public sector. Case No. 3075 (Argentina) involved a 26-year delay in processing the judicial appeal filed by the complainant against the revocation of its representative status. Similar allegations were filed in Cases Nos 2970 (Ecuador), 3016 (Bolivarian Republic of Venezuela) and 3072 (Portugal). Such cases undermined the provisions and principles contained in Conventions Nos 87 and 98.
254. The Committee had examined three cases from Guatemala (Nos 3040, 3042 and 3062). Although Guatemala had ratified Conventions Nos 87 and 98, trade unions still faced significant obstacles. The Government was called on to comply with the principles of freedom of association. The Government of the Democratic Republic of the Congo still had not replied to the allegations in Case No. 3067. The Government should understand that human and trade union rights could not be exercised in an environment where violence, pressure or threats existed. It must apply the principles of freedom of association as laid down in the relevant Conventions, which the country had ratified. Finally, he confirmed the Workers' commitment to continue the discussion on working methods in March 2016 and to reach consensual conclusions.
255. *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Argentina, Dominican Republic, Japan, Kenya, Romania and Spain, the Government member from Spain said that it was important that the regional offices acted as a link between the Committee and the regions in order to optimize results. The Governing Body could perhaps consider developing a global strategy to promote the supervisory system, using the territorial capacities of the regional offices. He drew the Governing Body's attention to the analysis being carried out to optimize the process for deciding on receivability in order to speed up the resolution of cases, and especially of serious and urgent cases. Cases that were not serious and urgent could also rely on national mechanisms, although they could still be brought before the Committee. The Government group believed it was important to update the *Digest of decisions and principles of the Freedom of Association Committee*.
256. *Speaking on behalf of GRULAC*, a Government representative of Mexico said that more than 69 per cent of the cases before the Committee came from the Latin America and Caribbean region. Given that the number of cases from the region had been increasing incrementally, and disproportionately, since 1951, the criteria for the receivability of cases might need to be reviewed. While the Committee had recommended closing a significant number of cases, more were being received, which would increase the Committee's caseload and worsen the geographic imbalance. The Committee's attention was drawn to the inconsistent use of terminology: cases were referred to as "active" "follow-up" and "closed" on the website,

whereas in the report they came under the labels “interim report”, “the Committee requests to be kept informed of developments” and “definitive report”. There was some uncertainty about how long governments had to continue providing information before a case was considered closed. The Committee should use consistent, clear terminology. He recalled that the purpose of the system was not to produce reports but to ensure compliance with international labour standards. Careful consideration should be given to whether asking governments to provide more information to various supervisory bodies actually increased compliance with standards.

- 257.** The working methods of the Committee needed to be improved. The Committee should establish clearer and more objective receivability criteria. Allegations should contain a clear description of the facts and evidence of the legislation or practice allegedly violated, indicating whether internal dispute resolution mechanisms were being used. It would be desirable to promote the use of such mechanisms: experience showed that agreements reached internally, through tripartite committees, improved labour relations. That would require the Committee to postpone the examination of an allegation while national courts examined it or internal conflict resolution mechanisms were used, thus freeing up the Committee to examine the more serious cases. Moreover, the Committee should first examine whether the allegations were substantiated. The Office was urged to provide guidance to the partners regarding the information that must be included in a complaint in order to allow a case to be examined. In cases where the complainant did not provide further information at the Committee’s request, the case could be considered closed after a reasonable period of time. The role of the ILO and the Committee should be to strengthen national bodies.
- 258.** *A Government representative of the Islamic Republic of Iran* said that his Government had submitted observations on Case No. 2508 to the Office, which had acknowledged their receipt.
- 259.** *A Government representative of Turkey* said that he wished to emphasize that the terrorist attack on demonstrators in his country’s capital city on 10 October 2015 had targeted the entire nation. The demonstration in question had been peaceful but political; neither the workers nor the organizers had claimed that it was a workers’ event. Following the recent reforms, the number of trade union members in Turkey had risen by 40 per cent in the previous two years, an unprecedented increase in light of the global economic crisis.
- 260.** *A Government representative of Colombia* said that his Government was working with the social partners to resolve the pending labour disputes. Of the 129 cases considered by the Special Committee for the Handling of Conflicts referred to the ILO (CETCOIT), 80 had resulted in agreement, thus avoiding referral to the Committee on Freedom of Association and improving the work environment in enterprises, and in the country as a whole. Collective agreements had been signed, labour inspectorate disputes withdrawn and a receivability manual for CETCOIT cases adopted. He therefore reiterated the importance of the GRULAC proposal that the Committee on Freedom of Association should await the exhaustion of national remedies before considering a complaint.
- 261.** *A Government representative of Cambodia* said that, in response to the Committee’s recommendations, his Government had set up an inter-ministerial commission to conduct an investigation into Case No. 2318 and had submitted a statement to the Office on 2 November 2015 as an initial reply in follow-up to the Committee’s recommendations. He welcomed the Committee’s recommendation not to pursue its examination of Case No. 2655. A draft trade union law had been submitted to the Council of Ministers for discussion and was expected to be adopted by the legislature no later than the first trimester of 2016.

262. *The Worker spokesperson* said that in referring to the situations in Turkey, his group's intention had been to underscore the importance that the Workers' group attached to any measures that the Government might take to protect the right to freedom of association in view of the tensions in the country.

## **Decision**

263. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–154, and adopted the recommendations made in paragraphs: 167 (Case No. 2743: Argentina); 175 (Case No. 3046: Argentina); 189 (Case No. 3075: Argentina); 203 (Case No. 3083: Argentina); 224 (Case No. 2318: Cambodia); 244 (Case No. 2655: Cambodia); 275 (Case No. 3102: Chile); 300 (Case No. 3027: Colombia); 320 (Case No. 3087: Colombia); 337 (Case No. 3088: Colombia); 351 (Case No. 2786: Dominican Republic); 364 (Case No. 3068: Dominican Republic); 424 (Case No. 3079: Dominican Republic); 435 (Case No. 2957: El Salvador); 448 (Case No. 3099: El Salvador); 471 (Case No. 2970: Ecuador); 487 (Case No. 3040: Guatemala); 568 (Case No. 3042: Guatemala); 585 (Case No. 3062: Guatemala); 704 (Case No. 3051: Japan); 728 (Case No. 3081: Liberia); 750 (Case No. 3076: Republic of Maldives); 786 (Case No. 3086: Mauritius); 804 (Case No. 3060: Mexico); 824 (Case No. 3055: Panama); 847 (Case No. 3019: Paraguay); 860 (Case No. 3101: Paraguay); 896 (Case No. 3096: Peru); 927 (Case No. 3072: Portugal); 956 (Case No. 3067: Democratic Republic of the Congo); 991 (Case No. 3113: Somalia); 1008 (Case No. 2994: Tunisia); and 1038 (Case No. 3016: Bolivarian Republic of Venezuela), and adopted the 376th Report of its Committee on Freedom of Association as a whole.*

(GB.325/INS/12.)

## **Thirteenth item on the agenda**

### **Report of the Board of the International Training Centre of the ILO, Turin**

#### **Report of the 78th Session of the Board of the Centre**

(Turin, 29–30 October 2015)

(GB.325/INS/13)

264. *The Worker spokesperson* said that his group welcomed the Strategic Plan for 2016–17. It was important to secure predictable funding for workers' and employers' programmes, achieve meaningful tripartism in the work of the International Training Centre, including in the design, delivery and evaluation of courses, and measure and promote the work of the Centre in the delivery of development cooperation. He was pleased that the Strategic Plan would include separate indicators of worker and employer participation, and that evaluations would be undertaken on international labour standards and on tripartism and social dialogue. Through the new Strategic Plan and closer alignment with the ILO, the group hoped that the Centre would reinforce its contribution to building capacity on the Decent Work Agenda.

- 265.** *The Employer spokesperson* said that her group also welcomed the Strategic Plan and agreed that indicators related to constituent participation should be more clearly defined and disaggregated, and that promoting tripartism should focus on involving constituents in the design and delivery of programmes. Resource mobilization was essential for the sustainability of the Centre's work, and governments were encouraged to consider making voluntary contributions. There should be greater collaboration between the ILO's development cooperation programmes – particularly the ILO flagship programmes – and the Centre, increasing the number of training activities designed and delivered in that context. The Centre had an important role to play in achieving the 2030 SDGs, and it should deliver more activities in partnership with regional and academic institutions. Having introduced results-based management, the Centre should have an indicator and target for measuring its involvement in the delivery of the ILO's development cooperation. In view of declining and unpredictable resources, there was a need to guarantee the funding of employers' and workers' programmes, to consider more flexible pricing policies for constituents and to take steps to reduce overheads.
- 266.** *The Government Vice-Chairperson of the Board* said that the Centre was doing a good job in providing training activities for constituents and in strengthening cooperation with the ILO. In particular, the Centre's activities would facilitate the integration of ILO priorities in the 2030 Agenda for Sustainable Development. Work on widening the Masters and PhD programmes of the Turin School of Development was a means of increasing partnerships and networking with UN system organizations, academia and other development actors. Efforts should be made to increase the number of participants from under-represented regions in the Centre's activities. The involvement of the Centre in the ILO's planning and programming processes was crucial, and cooperation on resource mobilization should be developed. His group endorsed the report.
- 267.** *Speaking on behalf of ASPAG*, a Government representative of India said that the participation of the Asia and Pacific region in the Centre's training activities had been low. The requirements of various regional groups should be better reflected in training programmes, and the Centre should pursue additional ways of enhancing the participation of constituents from developing countries.
- 268.** *A Government representative of Trinidad and Tobago* said that the mutually reinforcing elements of development, financing and management in the Strategic Plan would contribute to the enhanced efficiency and effectiveness of the Centre. The views expressed by the representative of the Staff Union Committee (as contained in Appendix II to the report) were, however, a source of concern, and she encouraged sustained dialogue on outstanding issues. She welcomed proposals to expand partnerships with regional training institutions, stressing the importance of participation by policy-makers and of promoting synergies through the exchange of ideas and experiences with the social partners. She thanked the Centre's outgoing Director for her leadership.
- 269.** *A Government representative of India* said that regional institutional capacities could be harnessed to identify and develop training products that met regions' specific needs. The proposed strategy for expansion of resource mobilization was welcome, but care must be taken to ensure that the tripartite partners continued to be the priority target group. She called for regional balance in staff representation and resource allocation, and for more involvement of ILO regional offices and national institutes in designing region-specific training content.

## Outcome

### **270. *The Governing Body took note of the report contained in document GB.325/INS/13.***

(GB.325/INS/13.)

**271.** *The Director-General* paid tribute to the contribution of Patricia O'Donovan, outgoing Director of the Centre, on her retirement from the Organization. She had had a long successful career at the ILO. Despite the financial challenges faced by the Centre, under her leadership it had become an integral part of the overall work of the ILO. The new Strategic Plan was an important part of her legacy. She had skilfully nurtured excellent relationships with the city of Turin, the region of Piedmont and the Government of Italy, and had made the Centre an increasingly attractive campus.

**272.** *The Employer spokesperson* expressed the appreciation of the Employers' group for the work that the outgoing Director had done. She had skilfully guided the Centre, even when times had been hard. The Centre was in good condition thanks to her leadership.

**273.** *The Worker spokesperson* thanked the outgoing Director for her work. The financial situation of the Centre had improved and, under her guidance, the Centre was more closely aligned with the ILO. Even when opinions had differed, discussions had been professional and had focused on improving the Centre and the services it provided to constituents.

**274.** *Speaking on behalf of the Government group of the Board*, a Government representative of Ghana expressed sincere appreciation for the outgoing Director's excellent collaboration with the members of the Board; she had been competent, respectful, available, professional and transparent in the management of the Centre.

**275.** *Government representatives of Italy, India (speaking on behalf of ASPAG), United States, France, Islamic Republic of Iran and United Arab Emirates* congratulated the outgoing Director for the excellent work she had done, paying tribute to her leadership, professionalism, dedication and collaboration.

**276.** *A representative of the Director-General* (Outgoing Director, International Training Centre of the ILO) expressed her appreciation to all the Board members – the Employers' group, the Workers' group and the Government group. The achievements of the Centre had been a joint effort.

## Fourteenth item on the agenda

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

(GB.325/INS/14)

**277.** *The Worker spokesperson and the Employer spokesperson* said that their groups supported the draft decision.

**278.** *Speaking on behalf of the Africa group*, a Government representative of Algeria said that his group supported the draft decision provided the term "arrangements" was understood to include the duration of the Conference.

## **Decision**

**279.** *In light of the discussion held on the trial of a two-week session in June 2015 and on possible improvements to be implemented at future sessions of the Conference, the Governing Body:*

- (a) confirmed the two-week duration for future sessions of the International Labour Conference;*
- (b) requested the Office to prepare for the 326th Session (March 2016) of the Governing Body a detailed plan of work for the 105th Session (June 2016) of the Conference, based on a two-week format;*
- (c) requested the Office to undertake a comprehensive review of the Standing Orders of the Conference with a view to submit to the 328th Session (November 2016) draft amendments to the Standing Orders to the International Labour Conference;*
- (d) requested the Office to prepare for the 328th Session (November 2016) of the Governing Body an analysis of the session of the International Labour Conference in June 2016, which would allow the Governing Body to draw lessons from this experience and take the appropriate decisions as regards the arrangements for future sessions of the International Labour Conference.*

(GB.325/INS/14, paragraph 10.)

## **Fifteenth item on the agenda**

### **Report of the Director-General (GB.325/INS/15)**

**280.** *The Worker spokesperson welcomed the Cook Islands' admission as the 186th member State of the ILO and commended the Government on its ratification of some Conventions.*

## **Outcome**

**281.** *The Governing Body took note of the report contained in document GB.325/INS/15.*

(GB.325/INS/15.)

### **First Supplementary Report: Update on the internal reform (GB.325/INS/15/1)**

**282.** *The Employer spokesperson said that his group attached great importance to improving reporting to constituents and he supported the development of a reform monitoring framework.*



- 283.** *The Worker spokesperson* said that his group would have preferred a business process review based on social dialogue and greater Staff Union involvement, which was important for staff buy-in. He however welcomed the reassurance provided by the Office in that regard. Any reforms proposed by the external consultancy firm should take into consideration the specific nature of the ILO as a UN agency and tripartite organization.
- 284.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that addressing gaps and duplications, together with identifying areas for reform, should be at the heart of the review. The group approved of the use of an external consultant and encouraged the Office to adhere to a policy of openness and transparency, involving its staff. In view of the initial 2015 target, the group wished to know what actions were proposed within the revised time frame. The Office should provide more information regarding the actions taken under the field operations and structure review, and regarding changes and savings planned. Continuous efforts should be made to ensure organizational buy-in to the reform process. He requested information on the positive effects and lessons learned in the 2016 report to the Governing Body and a discussion of an external evaluation of the implementation of the reform package in March 2016.
- 285.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that the Office should continue to support a holistic process according to principles of openness and transparency. The Office should provide more information on the implementation of human resources reforms to the Governing Body in March 2016. The adoption of the 2030 Agenda for Sustainable Development had a significant impact on the national strategies of African countries and the Office was requested to anticipate consequent changes to country-level support. He requested the Office to confirm whether the remaining items of the field review implementation plan would be completed by the end of 2015.
- 286.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the 11 projects on the reform programme had been addressed and the Office was moving from an overall reform programme to a continuous improvement process. The areas to be addressed would be a wide range of administrative functions across the Office. A private consultancy firm had been chosen through a competitive bid process and was working in an advisory and technical capacity. All decision-making would, however, be taken by the Director-General and senior management. The process sought to provide social dialogue and transparency at all levels and to promote staff involvement. Its objectives were to improve the efficiency of work and the satisfaction of those doing and benefiting from that work, while continuing to seek opportunities to reallocate resources from administrative services to frontline technical and field work. The monitoring of the reform programme had almost been finalized and the results from the reform have already been demonstrated in the reallocation of resources through the 2016–17 programme and budget. All items under the field review were still expected to be finalized by the end of 2015, according to the established timeline. It would be supplemented by the work carried out under the business process review, looking at support functions in Regional and Country Offices. Social dialogue and transparency would continue throughout all phases of the process. A consultative group was being set up, which would include Staff Union representation. A report to the Governing Body in March 2016 would wrap up the reform process, provide an update on the direction of the business review process and address the issues raised by the Governing Body.

## Outcome

- 287.** *The Governing Body took note of the report contained in document GB.325/INS/15/1.*

(GB.325/INS/15/1.)

## Second Supplementary Report: Follow-up to the centenary initiatives (GB.325/INS/15/2)

288. *The Worker spokesperson* said that, since the centenary initiatives had been agreed by the Governing Body, it was important for the Office to find the resources to implement them. The green initiative should improve the integration of environmental challenges, including but not limited to climate change, in other ILO policy areas and departments. Workers' organizations should be fully associated with country work on greening economies, and the social partners should be involved in assisting member States to pilot the ILO guidelines on just transition adopted in October 2015. The promotion of a just transition strategy should not be limited to the intended nationally determined contributions (INDCs); the ILO should also assess the potential impact on employment of emission trajectories to zero-carbon economies. The discussion of future work should consider both sectors for expansion and those that were less green. The group suggested two additional areas of work: screening the environmental impacts of ILO work, and better alignment of the ILO's social and economic analysis with environmental imperatives.
289. The thrust of the women at work initiative remained somewhat generic. A strong link should be made to the future of work initiative, and any centenary declaration should address gender equality and non-discrimination. The 2017 stocktaking report should consider challenges to realizing gender equality and decent work for all women, drawing on the work of several ILO departments. He requested further clarification regarding the goal of the global campaign to achieve progress between 2017 and 2019. It was surprising not to see any reference to the gender standards or to the use of the women at work initiative to promote them. The Office should provide a more detailed report on the progress of the initiative in future.
290. The group endorsed the three-stage approach and the four "centenary conversations" under the future of work initiative, together with the creation of a dedicated unit within the Office. A key purpose should be to provide the ILO with the tools to realize the objectives of social justice set out in 1919 and 1944 and further elaborated in the Social Justice Declaration. Although it was too early to decide on the modalities of the 108th Session (2019) of the Conference (the culminating event of the initiative), the group was not convinced that a plenary debate would allow the level of in-depth discussion required to achieve consensus on a text that a discussion in a technical committee could permit. While knowledge could be gathered through academia, civil societies and others, such an approach should not undermine or replace the specific role of the ILO's tripartite constituents. It would be important to ensure that the future of work initiative addressed the four strategic objectives of the Decent Work Agenda, together with gender equality and non-discrimination. The group supported the draft decision.
291. *The Employer spokesperson* said that his group attached great importance to the Standards Initiative and welcomed the progress made since 2012. While it supported the ILO's active involvement in the 21st Conference of the Parties to the UN Framework Convention on Climate Change (COP21) and the implementation of the recently agreed ILO guidelines on a just transition, the Office should maintain its focus on the ILO's mandate and on the need to integrate a sustainable enterprise approach in ILO action on promoting the transition to a low-carbon economy. The group also supported the enterprises initiative, but his comments referred to the strategy for wider ILO engagement with the private sector adopted in June 2014, as opposed to the narrower terminology regarding its three strategic components. The group further supported the ILO networks with enterprises on child labour, disability and social protection. There should be considerable interest from enterprises in establishing networks in additional areas such as forced labour and occupational safety and health.

292. Under the three drivers of future ILO action agreed upon under the women at work initiative, theoretical and ideological approaches should be avoided, the real causes of discrimination should be looked at, and women should be seen not solely as employees but also as potential entrepreneurs. It was to be hoped that the global survey and publication, as well as the forum and discussion foreseen for 2017, would strengthen that perspective.
293. The ILO should play an active role in forming the future of work, addressing realities to ensure that the fundamental principles and rights at work continued to be relevant and enforceable in completely new work environments. A proper articulation of and focus for the discussion of the future of work was urgently needed. Relevant external parties should be involved, but without undermining the prerogatives of ILO constituents, and the creation of a high-level commission should be given careful consideration. While a Centenary Declaration would have a symbolic value, it was essential to ensure a methodical and focused approach, first exploring how changes would affect work and then examining how those elements would impact other areas such as social protection systems, the Decent Work Agenda, informality and the skills gap. The group supported the draft decision.
294. *Speaking on behalf of IMEC*, a Government representative of Canada emphasized the importance of the centenary as an occasion to renew the role of the ILO in addressing global challenges in the world of work. He expressed satisfaction that the ILO was mainstreaming the centenary initiatives into its core business, and with the progress made on the governance and Standards Initiatives. Furthermore the green initiative, the women at work initiative and the future of work initiative provided a good basis for ILO activities. However, the report stated that the green initiative and the women at work initiative depended on whether resources were available, despite the high profile of the projects and the assumption they would have the same weight as other initiatives. The Office was requested to provide clarification in that regard. The sustained involvement and participation of relevant actors in the future of work initiative was important, and the Office should ensure that it targeted its engagement accordingly. The Office was encouraged to be ambitious in its approach to the future of work, remaining focused on the long-term challenges and responding to the needs of developed and developing countries. It was important to focus on the substantive work of the centenary initiatives. While drawing up a Centenary Declaration was a possibility, it should not be a goal in itself, and the purpose and usefulness of a Declaration should be carefully considered. The group supported the draft decision.
295. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that the choice of the three initiatives for focused discussion was strategic as they tied in with important global events and processes. COP21 was an opportunity for the ILO to further promote and consolidate its work on green jobs, decent work and sustainable development. In Africa, making a just transition to the green economy to ensure the sustainability of enterprises and jobs would greatly depend on an agreement being reached at COP21. A recent World Bank report showed that climate change could push more than 100 million people back into poverty in the following 15 years. The poorest regions of the world, including sub-Saharan Africa, would be most affected. The need to act was urgent. She welcomed the proposal to assist member States in evaluating the labour market impact of their INDCs.
296. The women at work initiative was closely linked to the eradication of poverty. Raising awareness of, adopting and implementing workplace policies to increase women's participation in the workforce must be stepped up. A general survey of the relevant instruments on working time could aid the women at work initiative. The success of the future of work initiative depended to a large extent on the green initiative and the women at work initiative. The four "centenary conversations" should provide an opportunity to assess the impact of the ILO's policies on the lives of their end users.

297. *Speaking on behalf of the Arab group*, a Government representative of Sudan recalled that, under the green initiative, assistance should be provided to member States for the application of the new ILO guidelines for a just transition, and a knowledge base on the impacts of climate change on key sectors should be created. Maritime fishing should be singled out as one such sector. The group welcomed the active participation of the ILO in COP21. As part of the women at work initiative, a global survey into women's and men's perceptions of discrimination in the world of work should be conducted, a global tripartite forum on women at work should be held, and the root causes of discrimination should be dealt with. Resources should be mobilized for the forum. The future of work initiative was important because it had an impact on the other initiatives. She placed particular emphasis on the 2030 Agenda for Sustainable Development. A special unit should be set up to raise funds to support all the initiatives. She supported the draft decision.
298. *A Government representative of Belgium* said that Belgium would be holding two events as part of preparatory work for the ILO's centenary. The first would examine aspects that contributed to the unprecedented speed and extent of changes in the world of work: the emergence of a performance-based culture and "fatigue society", "big data", and the impact of the financialization of the economy on manufacturing methods and supply chains. The role and future of standards to protect workers in new forms of work would also be discussed. The Director-General was invited to participate in the event. The second event would be organized by an inter-university research committee and held in 2019.
299. *A Government representative of France* said that the French Government was committed to supporting all seven centenary initiatives and to participating fully in the future of work initiative. Based on the four "centenary conversations" proposed by the Office, a large-scale initiative was being taken to examine, research and discuss the future of work in France. The aim was for the social partners and the Government to produce, by early 2017, a corpus of joint recommendations on the future of work. In that context, a number of events would be organized with other actors. France was committed to the future of work initiative.
300. *The Director-General* said that the ILO was mainstreaming the different initiatives in its core business. The situation regarding resources varied from initiative to initiative. While the initiatives were all covered by regular budget resources, a number of additional activities could be undertaken if the necessary resources were mobilized, which the Office would endeavour to do. The Office would incorporate the many detailed and specific comments on the green initiative and the women at work initiative into its work in those areas. More detailed information on practical activities under the women at work initiative would be provided in the next progress report. The Office had again been encouraged to set a high level of ambition for the future of work initiative. When the time came to set up a global commission, the lessons learned from past experience would be taken into account. While outreach to actors beyond the tripartite constituency was necessary, it would not dilute the tripartite nature of the process. The benefits of a Centenary Declaration would have to be assessed, and its political value would need to be clearly defined in advance in order for it to be at the level of past ILO declarations of comparable historic import. Member States must take ownership of launching the future of work initiative at national level, putting in place future of work processes around the four centenary conversations, in order for it to be successful. The ILO would accompany, support and synthesize the outputs from those national processes.

## **Decision**

301. *The Governing Body requested the Director-General:*
- *to take account of its guidance with regard to the centenary initiatives, and to facilitate the strong involvement of constituents in their implementation;*

- *to send a circular to all member States inviting their fullest engagement in the future of work centenary initiative;*
- *to submit a report on progress at its 328th Session (November 2016).*

**302.** *The Governing Body further requested the widest possible engagement in and contributions of the ILO constituents to the reflection on the future of work, and encouraged them to establish their own networks and processes to ensure it was given full effect.*

(GB.325/INS/15/2, paragraphs 36 and 37.)

### **Third Supplementary Report: The ILO's role in the Ebola recovery effort** (GB.325/INS/15/3)

- 303.** *The Employer spokesperson* said that his group supported the five axes of intervention proposed in the report and stressed the importance of the Global Jobs Pact in restarting West African economies. The ILO should help the affected countries to strengthen their response and prevention capacities by promoting decent work through social dialogue, occupational safety and health, and transition from the informal to the formal economy. It should also promote micro-enterprises and SMEs, including in the green economy. The international community should help those countries to improve their health systems and encourage the return of multinational corporations, which in turn should play a greater role in improving social protection and sanitation. The Organization's experience with awareness raising, advocacy and prevention at the workplace during the HIV/AIDS epidemic would be useful in the current context.
- 304.** *The Worker spokesperson* said that he welcomed the report's linkages with the Programme and Budget for 2016–17 outcomes and indicators and noted that four out of the five proposed axes of intervention corresponded to the priorities of the new flagship programmes on social protection floors, child labour, occupational health and safety, and jobs for peace and resilience. Linkages with the SDGs might help to fill the current resource gaps in relation to the activities proposed.
- 305.** In section I of the report, paragraph 1 should have mentioned the collapse of public service delivery systems and structures, particularly in rural communities and traditional societies. Paragraph 2 should have stated that health-care workers had died because of a lack of occupational safety; they had been unable to exercise their labour rights and several industrial disputes had resulted. The Organization should ensure that mechanisms for making their voices heard were created, revived or reinforced in the countries concerned. Paragraph 6 neglected to acknowledge the negative impact on the subregion and the lack of tripartite coordination during and after the crisis; the Organization's response should include the entire Economic Community of West African States (ECOWAS). With regard to paragraph 8, ILO capacity-building efforts should reflect the principles set out in the Labour Relations (Public Service) Convention, 1978 (No. 151).
- 306.** Concerning section II(A), it was important to ensure respect for freedom of association and collective bargaining during and after the crisis. Furthermore, health-care workers should be given personal protective equipment. The right to know, the right to participate and the right to refuse dangerous work should also be addressed in light of the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Health Services Convention, 1985 (No. 161).

- 307.** In section II(B), paragraph 14, should have highlighted the role of the public sector in rebuilding infrastructure. The hiring of public sector workers under precarious conditions to address the outbreak and its aftermath should be addressed, and decent work requirements should be met. Paragraph 15 failed to mention people affected by Ebola virus disease, the importance of work-related death benefits and the need for enhanced social security. The review of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), at the 105th Session of the ILC should include an analysis of ILO engagement in the post-Ebola recovery effort. Paragraph 17 should have proposed specific actions, and Axis 1 in the appendix should have included an item on strengthened dialogue in the health sector, on the model of Nigeria and Ghana. The appendix should also have called for the unionization of private health sector workers and the inclusion of traditional health-care attendants.
- 308.** Axis 2 should have mentioned the need to tackle corruption and provide additional resources to build the tripartite players' capacity to monitor supplier and value chains in public procurement. Under Axis 3, it was important to strengthen existing linkages between health coverage and collective bargaining agreements in the public and private sectors, and to expand coverage to include vulnerable groups. With regard to Axis 4, collective agreements must include capacity building on monitoring and advocacy with regard to occupational safety and health laws and policies. His group supported the draft decision.
- 309.** *Speaking on behalf of the Africa group*, a Government representative of Sudan welcomed the expansion of ILO involvement in the post-Ebola recovery effort and endorsed the five proposed axes of intervention, including the provision for country-level tripartite reporting, the focus on decent work and the promotion of integrated recovery in the Mano River Union (MRU) and ECOWAS countries. He supported the draft decision.
- 310.** *A Government representative of Cuba* said that the cooperation activities set out in sections II(F) and II(G) of the report should be based on national and regional priorities. Cuba had sent 256 health workers to help the three affected countries respond to the Ebola crisis and had contributed to training over 13,000 people in 28 African countries. The spirit of international cooperation that had prevailed during the crisis should be maintained during the recovery, and additional financial and other resources should be mobilized. She supported the draft decision.
- 311.** *Speaking on behalf of IMEC*, a Government representative of France said that his group supported the capacity building proposed in the report but would welcome an estimate of the resources required and their distribution between regular budget redeployment and new allocations provided by donors. The ILO should cooperate with other UN agencies, particularly the WHO, and with regional interstate actors during the recovery and should coordinate its employment creation efforts with the World Bank's Ebola Recovery and Reconstruction Trust Fund. He supported the draft decision.
- 312.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Turkey, Serbia, Albania, the Republic of Moldova and Georgia. The EU had provided over €2 billion for Ebola emergency measures, research and longer term support, including training health workers, helping to stabilize the affected countries and assisting with their recovery. ILO assistance should focus on strengthening institutional capacities and governance structures through the One UN approach and the EU/ECOWAS project, "Support to Free Movement of Persons and Migration in West Africa". The EU supported the draft decision.
- 313.** *A representative of the Director-General* (Regional Director for Africa) said that he had taken note of the comments and suggestions, many of which had urged the Office to broaden its scope of intervention, work with governments to build national institutions and improve periodic reporting and accountability.

## Decision

- 314.** *The Governing Body approved the ILO's role in the post-Ebola recovery efforts (2016–20) to promote decent work through the proposed axes of intervention and activities.*

(GB.325/INS/15/3, paragraph 30.)

## Fourth Supplementary Report: Follow-up to Governing Body decisions (GB.325/INS/15/4)

- 315.** *The Worker spokesperson* said that it would be useful to incorporate links to the most relevant online publications, diagnostic tools and codes into future versions of the report. His group supported the draft decision.
- 316.** *The Employer spokesperson* said that his group also supported the draft decision.
- 317.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that it would be useful to have more specific information on the progress in implementing decisions listed as “in progress”, either in terms of percentages of targets met or in absolute numbers. His group would also welcome a brief summary of challenges, constraints and variables impeding implementation, so that the Governing Body could take appropriate action. He supported the draft decision.
- 318.** *Speaking on behalf of IMEC*, a Government representative of Turkey proposed that the words “excluding standing items that are either reported on annually or on a regular basis” should be deleted from the draft decision. That information should be retained in future editions of the report, perhaps in italics or in a different colour, in order to give the Governing Body a full picture of what was being done under its guidance.
- 319.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) recalled that the Office had been requested to make proposals for reducing the growing size of documents. The items proposed for exclusion were, by their nature, covered in other reports; retaining them in the current report would in effect be a duplication. Moreover, they were different in nature from other decisions that required different forms of implementation.
- 320.** *The Worker spokesperson* said that his group was satisfied with the Office's explanation and supported the draft decision in its original wording.
- 321.** *A Government representative of Brazil* suggested, as a compromise, that the draft decision might be amended to exclude standing items that were reported on annually, but not those that were the subject of regular reports.
- 322.** *The Employer spokesperson* requested information on the anticipated savings, in terms of the number of pages, if the draft decision were adopted.
- 323.** *The representative of the Director-General* said that the Office welcomed the proposal made by the Government representative of Brazil.
- 324.** *Speaking on behalf of IMEC*, a Government representative of Turkey recalled that the Governing Body had originally requested the Office to produce two reports per year on its

decisions; now, it was requesting only one such report. While his group welcomed the improvements made in the current report and supported the effort to reduce the length of documents, it was not in favour of excluding the standing items for the sake of brevity. It was useful to see, in a single document, all the decisions adopted by the Governing Body and the follow-up action taken.

### **Decision**

**325. *The Governing Body requested the Office to prepare, for its 328th Session (November 2016), a supplementary report on the follow-up to the decisions adopted since November 2014.***

(GB.325/INS/15/4, paragraph 5, as amended by the Governing Body.)

### **Fifth Supplementary Report: Documents for information only (GB.325/INS/15/5)**

#### **Outcome**

**326. *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.325/INS/15/5.***

(GB.325/INS/15/5.)

### **Sixth Supplementary Report: Appointment of an Assistant Director-General (GB.325/INS/15/6)**

#### **Decision**

**327. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, promoted Mr Gregory Johnson, Treasurer and Financial Comptroller, to the Assistant Director-General level.***

(GB.325/INS/15/6.)

### **Seventh Supplementary Report: Appointment of an Assistant Director-General (GB.325/INS/15/7)**

#### **Decision**

**328. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, appointed Mr Niemtchinow as Special Adviser on the Future of Work Initiative at the Assistant Director-General level. Mr Niemtchinow made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.***



(GB.325/INS/15/7, paragraph 4.)

329. *A Government representative of France congratulated Mr Niemtchinow, a French national, on his appointment.*

**Eighth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by the United Kingdom of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the trade unions UNISON, GMB and Napo (GB.325/INS/15/8)**

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

**Decision**

330. *In light of the conclusions set out in paragraphs 39–51 of the report contained in document GB.325/INS/15/8 concerning the issues raised in the representation, the Governing Body:*

- (a) approved the report;*
- (b) requested the Government, in order to continue to ensure that work imposed on persons sentenced to unpaid work requirements remained within the limits of the exception to forced labour provided for in Article 2(2)(c) of the Forced Labour Convention, 1930 (No. 29), to take into account the action requested in paragraphs 46, 49, 50 and 51 of the report;*
- (c) invited the Government to provide information concerning the recommendations of this Committee for examination by the Committee of Experts on the Application of Conventions and Recommendations at its November–December 2016 session, when a report on the application of the Convention was next due;*
- (d) made this report publicly available and closed the procedure initiated by the representation.*

(GB.325/INS/15/8, paragraph 52.)

**Ninth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Colombia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made under article 24 of the ILO Constitution by the General Confederation of Workers (CGT) (GB.325/INS/15/9)**

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

**Decision**

**331. *In light of the considerations on which the conclusions set out in paragraphs 24–33 of the report contained in document GB.325/INS/15/9 are based, the Governing Body:***

- (a) approved the report and, in particular, the conclusions formulated by the Committee in paragraphs 31 and 33;***
- (b) made the report publicly available and closed the procedure initiated by the representation made by the General Confederation of Workers (CGT) alleging the non-observance by Colombia of Conventions Nos 111 and 144.***

*(GB.325/INS/15/9, paragraph 34.)*

**Tenth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Poland of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the All-Poland Alliance of Trade Unions and the Trade Unions Forum (GB.325/INS/15/10)**

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

**Decision**

**332. *In light of the information presented in the report contained in document GB.325/INS/15/10, the Governing Body:***

- (a) approved the report and, in particular, the recommendation stated by the Committee in paragraph 32;***

- (b) *made the report publicly available and closed the procedure initiated by the representation made by the All-Poland Alliance of Trade Unions and the Trade Unions Forum, alleging the non-observance by Poland of Convention No. 111.*

(GB.325/INS/15/10, paragraph 33.)

## Sixteenth item on the agenda

### Reports of the Officers of the Governing Body

**First report: Complaint concerning the non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), submitted under article 26 of the Constitution by several delegates to the 104th Session (2015) of the International Labour Conference**  
(GB.325/INS/16/1)

333. *The Employer spokesperson* supported the draft decision.

334. *The Worker spokesperson* supported the draft decision. The group believed that the conditions of receivability of the article 26 complaint had been met.

335. *A Government representative of the Bolivarian Republic of Venezuela* (Deputy Minister of Labour) said that the item under consideration had not been included in the agenda of the current session (GB.325(Rev.1)). The procedure of section 3 of the Standing Orders of the Governing Body and paragraphs 28 to 34 of the Introductory note thereto, under which the agenda should be set by a tripartite screening group, had not been respected. The fact that the complaint was mentioned only indirectly in the indicative plan of work was also contrary to the Standing Orders and paragraph 30 of the Introductory note. Since the item had not been placed on the agenda, it should not be debated at the current session.

336. Even if it had been included in the agenda, there were further procedural flaws. Document GB.325/INS/16/1 had not been published until five working days prior to the opening of the session, whereas the time limit under the Standing Orders was 15 working days. Furthermore, an article 26 complaint was not automatically receivable simply because it had been submitted by delegates to the International Labour Conference and because the government had ratified the Conventions in question. The Office had made no reference to the document which his Government had submitted to the ILO on 20 October arguing the procedural flaws and the irreceivability of the complaint, nor had that document been annexed to the Office document as the Government had requested on 6 November. Consequently, his Government had been denied its right of defence and the members of the Governing Body did not have sufficient information to assess the case objectively and impartially. Moreover, 14 of the 35 employers who had signed the complaint were members

of the Governing Body. Hence they could not participate in the debate or take a decision without infringing the universal principle that no one could be judge and party in the same case, as also stated by the ILO's own Legal Adviser in relation to an article 26 complaint in 2005. It would be wise to avoid the duplication of proceedings before supervisory bodies. The facts alleged in the complaint were the same as those in Case No. 2254 before the Committee on Freedom of Association, which the Governing Body had deemed to be the body competent to examine them. He underscored the continued violations of the right to a defence and to due process and of the ILO regulations, and expressly rejected the lack of transparency and objectivity in the handling of the case. He emphasized that his Government respected the social dialogue between workers and employers, including the Venezuelan Federation of Chambers of Commerce and Production (FEDECAMARAS). Work was seen as a fundamental social process towards achieving the essential goals of the State, which were to ensure the fair distribution of the wealth produced by society rather than the accumulation of individual capital

337. Given all the procedural flaws and the lack of compliance with the Governing Body's Standing Orders, he asked that the item in question should not be debated and that no decision on it should be taken. He did not support the draft decision.
338. *Speaking on behalf of GRULAC*, a Government representative of Mexico said that the item under consideration had not been included in the agenda and the Office document had not been published until 5 November. Sections 3 and 5 of the Standing Orders had therefore been breached. In addition, the Office document made no mention of the submissions regarding receivability which the Government of the Bolivarian Republic of Venezuela had presented to the ILO on 20 October. Proceedings before the ILO should be objective and transparent and should not violate the right of defence. Furthermore, it was necessary to abide by universal legal principles, including the principle that no one could be both judge and party to a case. GRULAC did not subscribe to the argument in the Office document that a complaint was receivable under article 26 merely because it had been submitted by delegates to the Conference and because the government in question had ratified the Conventions mentioned in the complaint. He expressed the hope that the case under consideration would not lead to the duplication of proceedings concerning the same facts and allegations before separate supervisory mechanisms of the ILO. For all those reasons, he did not support the draft decision.
339. *A Government representative of the Dominican Republic* agreed that, since the procedure followed in the case under consideration had been flawed, the complaint was irreceivable. He did not support the draft decision.
340. *A Government representative of Cuba* expressed concern that the Governing Body was about to debate an item which had not been included in the agenda of the current session. Furthermore, the relevant document had been published after the 15 working days deadline. The debate should therefore be deferred until the following session after its due inclusion in the agenda, in accordance with the Standing Orders. She expressed concern that the Office document did not include the comments submitted by the Government of the Bolivarian Republic of Venezuela on 20 October, which meant that the Governing Body had not had all of the information concerning the case. In ten of the 11 other cases of representations or complaints before the Governing Body in the previous 12 months, the government's comments had been included. The conditions governing the receivability of the complaint under article 26 of the Constitution had not been met. For 15 years, the Government of the Bolivarian Republic of Venezuela had worked tirelessly for the well-being of its people and to strengthen democracy and social dialogue. She did not support the draft decision.
341. *A Government representative of Mauritania* said that that the allegation regarding the wage-fixing machinery was inappropriate, since social protection in the Bolivarian Republic of

Venezuela was one of the best in the subregion and the minimum wage applied throughout the country. Such a bold measure might not be to the liking of some employers who were not primarily concerned with the dignity of workers. The same could be said of the two other grievances concerning freedom of association and tripartite consultation. His Government therefore requested the termination of the complaint against the Bolivarian Republic of Venezuela; it did not support the draft decision.

- 342.** *A Government representative of the United States* said that, as each and every condition for the receivability of the case had been met, his Government supported the draft decision.
- 343.** *A Government representative of the Russian Federation* endorsed the statements made by the representatives of the Government of the Bolivarian Republic of Venezuela and GRULAC. The Office's failure to abide by procedural requirements was a matter of grave concern. The issue had not been placed on the agenda of the current session and there was insufficient time to examine it. Attempts to politicize the ILO's work were particularly worrying. As the same complaint had been submitted repeatedly to the supervisory mechanisms, there was no need to discuss it again in the Governing Body. His Government did not support the draft decision.
- 344.** *A Government representative of India* said that the Venezuelan Government had consistently provided all supervisory bodies of the Organization with comprehensive information on all pending complaints. It had sought to promote social dialogue by holding technical round tables and was clearly ready to engage with the social partners and receive ILO technical assistance. In its 2015 report, the Committee of Experts on the Application of Conventions and Recommendations had not identified any failure by the Government to comply with Conventions Nos 26 and 144. Issues relating to Convention No. 87 should be left to the consideration of the Committee on Freedom of Association. The ILO should continue to provide technical assistance in an objective and neutral manner. India did not support the draft decision in paragraph 11.
- 345.** *A Government representative of Algeria* endorsed the statement made by GRULAC and said that the grievances mentioned in the complaint had been discussed at earlier sessions of the Governing Body and the Conference. In its 2015 report, the Committee of Experts had not identified any failure by the Government of the Bolivarian Republic of Venezuela to comply with Conventions Nos 26 and 144. The Government had cooperated in an exemplary manner with ILO bodies and had demonstrated its willingness to abide by the principles of the ILO.
- 346.** *A Government representative of the Islamic Republic of Iran* said that the measures taken by the Venezuelan Government and its willingness to cooperate with the ILO should be duly acknowledged. He called on the Office to provide further technical assistance. His Government did not support the draft decision.
- 347.** *A Government representative of China* said that the complaint had already been considered by two committees. Every government had a duty to apply Conventions which it had ratified. Technical cooperation was an effective means of helping member States to do so. The supervisory bodies should avoid repeatedly reviewing the same case. The ILO should provide the Bolivarian Republic of Venezuela with technical assistance in order to implement the guidance provided by the supervisory bodies.
- 348.** *A Government representative of Pakistan* said that his Government aligned itself with the statement made by GRULAC. The new complaint was irreceivable, as it was repetitive and of a political nature. Pakistan did not support the draft decision in paragraph 11.
- 349.** *A representative of the Director-General (Legal Adviser)* explained that, as per the Standing Orders of the Governing Body and established practice, the provisional agenda of each

Governing Body session was determined by a tripartite screening group and contained a standing item entitled “Reports of the Officers of the Governing Body”. The exact content of that item could not be decided before the meeting of the Officers on the Friday preceding the opening of the plenary; the complaint in question had been included in the agenda following the meeting on 30 October 2015. Documents submitted for the consideration of the Governing Body as a result of that meeting were not subject to the time limit established in the Standing Orders of the Governing Body.

- 350.** The criteria for the receivability of complaints under article 26 of the Constitution – contrary to those applicable to representations under article 24 of the Constitution – were not explicitly set out in the Standing Orders, the Constitution or any other regulatory text. Receivability criteria, however, did exist, and therefore it was not correct to refer to “automatic receivability”. Receivability was about form, not about substance. As currently worded, article 26 clearly indicated that complaints had to be made in writing, to be signed, and to be submitted by a member State of the ILO or by a delegate to the ILC. To be receivable, any complaint also had to make explicit reference to article 26 and to a ratified Convention in force in the member State against which the complaint was addressed at the time of the filing of the complaint. For the purposes of determining receivability, all other considerations, such as the absence of another complaint based on the same facts, the political or other motives underlying the complaint, or the fact that the signatories of the complaint were also members of the Governing Body or the Committee on Freedom of Association, were irrelevant.
- 351.** It had been consistent and unchallenged practice since 1961 that the Officers of the Governing Body reported to the Governing Body on the receivability of a complaint and recommended follow-up action. Paragraph 4 of the report dealt with receivability (all three Conventions in question were ratified by the Bolivarian Republic of Venezuela and in force and all but one of the authors of the complaint were Employer delegates at the time of filing of the complaint) and paragraph 11 recommended a course of action (transmission of the complaint for the Government of the Bolivarian Republic of Venezuela to communicate its observations). The report did not contain a final decision on receivability, but it was right to assume that if the Governing Body approved the draft decision, it would implicitly endorse the considerations of its Officers regarding receivability.
- 352.** Turning to the comment that no one should be judge and party to a case (*nemo iudex in sua causa*), he said that the legal opinion of 2005 had been given in the context of the possible referral of a complaint under article 26 to the Committee on Freedom of Association. Most of the signatories of the complaint were members of that Committee. In those circumstances, the Legal Adviser had recommended that those Committee members should recuse themselves. The action proposed in paragraph 11 did not encompass referral to that Committee.
- 353.** In response to the objection that procedures were being duplicated, he said that there was no explicit rule or practice that rendered a complaint presented as a follow-up to another complaint, or to any other special supervisory procedure, irreceivable.
- 354.** *The Chairperson*, referring to the advice given earlier to the Governing Body by the Legal Adviser, said that the required procedures had been followed and there had been no breach of any of the pertinent rules.
- 355.** *A Government representative of the Bolivarian Republic of Venezuela* said that the item had not been officially placed on the agenda of the current Governing Body session, nor discussed by the tripartite group responsible for drawing up the agenda. The fact that the Officers were authorized to submit reports to the Governing Body did not entitle them to include an item not already on the agenda. The possibility of doing so outside the normal

15-day time limit arose only in the case of outcome documents resulting from meetings that had taken place immediately before the Governing Body session, at which the regional coordinators were present. That might result in a revised document additional to those listed in the tentative programme of work being placed in an annex to the session agenda. Moreover, following the principle that a person could not be both a judge and a party in a case, it was not possible to envisage a decision on a complaint being taken by people who had been involved in lodging it. The standard procedure would have been to include the item in the agenda for the next session of the Governing Body. It was clear that there was currently no consensus on the draft decision contained in paragraph 11 of the report.

356. *A Government representative of Cuba* expressed concern that the complaint had not been raised under article 26 of the Constitution at the Governing Body session in June 2015, although issues of freedom of association had been discussed at that session in relation to certain governments, including the Venezuelan Government. No initiative relating to the present complaint been taken by the screening committee, or at the Conference itself. Had that been done, the Governing Body would have before it annexes to the report containing the text of the complaint and information, if any, from the Government concerned. The references in paragraphs 7 and 8 of the report to Case No. 2254 were not sufficient for the report to meet the requirements of article 26; indeed, at certain points, the report addressed substantive issues and sought to predict or influence the outcome of the case. In his view, the present complaint was not receivable, and he would welcome further clarification from the Legal Adviser.
357. *A Government representative of Trinidad and Tobago* expressed grave concern that the required procedures were not being followed. The information presented in the report could not be challenged or refuted by anyone, and the 15-day time limit for the submission of new agenda items had not been kept. In the event of a complaint the burden of proof should not be entirely on the member State concerned. Consequently, the Venezuelan Government should have the benefit of the doubt. It would be difficult for her delegation to support the draft decision.
358. *A Government representative of Norway* said that her delegation aligned itself with the statement made by the Government representative of the United States. The Legal Adviser had advised that no breach of the established procedures had occurred, and she therefore supported the draft decision.
359. *A Government representative of France* supported the draft decision. In light of the Legal Adviser's remarks, he was convinced that the requisite procedures had been complied with.
360. *The Chairperson* said that she was aware of the efforts of the Government of the Bolivarian Republic of Venezuela to bring about social justice. However, the issue in question was the receivability or otherwise of the complaint. In presenting its report, the Office had followed the requirements of all paragraphs of article 26 and had acted in good faith.
361. *A Government representative of the Bolivarian Republic of Venezuela* said that his delegation took the view that the right of defence had not been respected because of a lack of due process. It would be unacceptable to treat a complaint as receivable if the procedures followed in dealing with it were unclear. Moreover, a fundamental violation, in the handling of a complaint, of the right of defence would incur the risk of the ILO being politicized by the complainants.
362. *A Government representative of Cuba* said that he shared the concern of many other delegations that the complaint might not be receivable because of a procedural flaw. He repeated his request for further clarification before taking a decision. He objected to the references in the report to substantive aspects of the issue before the Governing Body. Those

references could prejudice the outcome of the discussion of the case. He noted that the document had been made available only five working days before the Governing Body had to discuss it.

- 363.** *A representative of the Director-General (Legal Adviser)* said that paragraphs 7 and 8 of the report contained merely background information. The mention in paragraph 9 of a commission of inquiry was part of a standard provision that sought to explain the interrelationship between commissions of inquiry and other supervisory bodies. When the Legal Adviser had given an opinion in 2005 confirming that nobody could be judge and party in the same case, that was in the context of the Committee on Freedom of Association, whereas the current complaint was being filed under article 26(4) of the Constitution, according to which the Governing Body could act of its own motion to initiate the article 26 procedure. If a party initiating a procedure was debarred in all cases from participating in the procedure, then it would not be possible for the Governing Body to take any action under article 26(4) as it should recuse itself as a whole, which was evidently not the intention of the drafters of the Constitution. The Government representative of Cuba had objected that the letter from the Government of the Bolivarian Republic of Venezuela was not annexed to the Officers' report; the reason for that, presumably, was that the Officers had not considered it necessary when they prepared their report. Regarding the suggestion made by GRULAC that the receivability criteria of article 26 complaints should be reviewed, that was entirely in the hands of the Governing Body. It had to be stressed that, as Office records showed, article 26 complaints had always been referred to the Officers of the Governing Body in the first instance in order to determine their receivability. That practice had been established in the very first article 26 complaint filed in 1961 by Portugal against Ghana and Liberia; the same practice was followed in the first complaint to be brought by Conference delegates – against Greece in 1968; and that was still the case in the first complaint to be initiated by the Governing Body of its own motion – against Chile in 1974.
- 364.** *A Government representative of the Bolivarian Republic of Venezuela* said that he regretted that the Office had considered but not referred to his country's communication of 20 October 2015 in the report. As that document did not relate to any item on the official agenda, his Government's legitimate right to be heard had been violated. The Chairperson had said that she was acting in good faith, but had been aware of and chosen to pass over the communication. Referring to the comments of the Legal Adviser, he said that there was no provision in article 26 of the ILO Constitution for the Governing Body to submit complaints. That was a contradiction in terms. If a complainant were to sit in the Governing Body and decide on a case in which it was involved, that would constitute a conflict of interest and would raise questions about the impartiality and objectivity of any decision taken. Referring to the ILO tradition of decision-making by consensus, he said that consensus was described in paragraph 46 of the Introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office as being characterized by an absence of any objection. There was no consensus in the current case, as GRULAC and other members had raised objections and outlined arguments against supporting the draft decision. He urged the Governing Body to respect its own rules. Consideration of the issues under discussion should be postponed to a future session of the Governing Body; reports submitted at that time should include all documents duly submitted by his Government.
- 365.** *A Government representative of Trinidad and Tobago* said that the requirement to make documents available 15 working days before the Governing Body met had not been respected; in accordance with point 5.5.5bis of the Compendium of rules, consideration of the issue should therefore be postponed until March 2016.
- 366.** *The Chairperson* said that point 5.5.5ter provided for exceptions to that requirement.



367. *A Government representative of Cuba* said that he was grateful for the efforts of the Office to clarify the situation and supported the proposal of the Government representative of the Bolivarian Republic of Venezuela to postpone consideration of the issue. That would provide an opportunity for all members to be better prepared to consider the case.
368. *The Employer spokesperson* said that the criteria for receivability had been met and there was no reason to alter those criteria for the current case. The Employers' group supported the draft decision.
369. *The Worker spokesperson* said that the issue under discussion did form part of the agenda, as it was the subject of one of the reports of the Officers of the Governing Body. The criteria for receivability had been met and the Workers' group supported the draft decision.
370. *A Government representative of the United States* said that his country did not support the proposal to postpone.

### **Decision**

**371. *On the recommendation of its Officers, the Governing Body:***

- (a) requested the Director-General to transmit the complaint to the Government of the Bolivarian Republic of Venezuela inviting it to communicate its observations on the complaint by 10 January 2016 at the latest;*
- (b) placed this item on the agenda of the 326th Session of the Governing Body (March 2016).*

(GB.325/INS/16/1, paragraph 11.)

372. *A Government representative of the Bolivarian Republic of Venezuela* said that the decision had been adopted without tripartite consensus. Under paragraph 46 of the introductory note to the rules applicable to the Governing Body, consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question. The issue should not have been discussed as it had not been on the agenda, as previously explained. The decision should not have been adopted, as his country, GRULAC and other governments had not supported the decision; that broad opposition was evidence that the decision had been adopted without tripartite consensus. The adoption of the decision was a violation of his Government's legitimate right of defence.

### **Second report: Arrangements for the 16th Asia and the Pacific Regional Meeting (GB.325/INS/16/2)**

373. *The Worker spokesperson* noted that the meeting would take place in Indonesia, and that Turkey had been proposed as the venue for the next European Regional Meeting. He thanked the governments of those countries for agreeing to host the meetings and called on them to uphold workers' rights.

### **Decision**

- 374. *On the recommendation of its Officers, the Governing Body approved the following arrangements for the 16th Asia and the Pacific Regional Meeting:***

- (a) *the Meeting will be held in Bali, Indonesia, from 6 to 9 December 2016;*
- (b) *the official languages will be English, Arabic and Chinese;*
- (c) *the agenda will be to review, on the basis of the Report of the Director-General, progress made on the Asian Decent Work Decade (adopted by constituents in 2006), assess the evolving economic and social circumstances and identify bottlenecks hampering further progress so as to better implement and realize the ILO's Decent Work Agenda in the region. Furthermore, as 2016 is the first year of the new SDGs framework, the Meeting will consider how to promote equitable and sustainable economic growth, full and productive employment and decent work (SDG 8).*

(GB.325/INS/16/2, paragraph 6.)

**Fourth report: Representation alleging non-observance by Peru of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), made under article 24 of the ILO Constitution by the General Confederation of Workers of Peru (CGTP)**  
(GB.325/INS/16/4)

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

**Decision**

- 375.** *In the light of the information presented in document GB.325/INS/16/4, and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.325/INS/16/4, paragraph 5.)

**Seventeenth item on the agenda**

**The global refugee crisis and its labour market implications**  
(GB.325/INS/17)

- 376.** *The Director-General said that it was important to discuss the global refugee crisis because the number of displaced persons and refugees was reaching unprecedented levels and the associated suffering of millions demanded a response. The situations in question posed formidable policy challenges to many member States and the ILO was called upon to contribute to effective responses within the parameters of its mandate. At the 103rd Session (2014) of the Conference, the Prime Minister of Jordan had detailed the consequences of receiving large numbers of refugees, including growing informality, increased child labour and downward pressure on wages. The crisis was not new and it was truly global. The ILO had been working with member States to address the issues, and sought to hear the*

experiences and policy challenges of Governing Body members, and their expectations of the ILO. From an ILO perspective, fair migration processes were already agreed as a policy outcome for the upcoming biennium, reflecting the growing priority that the tripartite constituency attached to labour mobility questions. Refugees were a proper focus of ILO concerns and actions, and were referred to specifically in the Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation No. 86. However, the scope of the ILO's responsibilities was labour market implications, meaning that effective cooperation with other agencies in the international system on humanitarian matters was required. The issues being addressed were complex, sensitive and sometimes politically charged. Input from the Governing Body would help the ILO to help its member States in their response to the refugee crisis.

- 377.** *The Employer spokesperson* said that the Employers appreciated the magnitude, significance and global nature of the refugee crisis. She highlighted that there were important legal differences between refugees and migrants, which necessitated both a humanitarian rescue effort and well-conceived immigration programmes. The ILO should focus on effective protection of migrant workers, sound labour market needs assessment and skills recognition, and cooperation and social dialogue on well-governed labour migration and mobility. She expressed gratitude to those international organizations and individual countries that were providing shelter and food to large numbers of refugees, and urged more burden-sharing among countries in the affected regions, as well as more flexibility in development cooperation to enable lower- and middle-income countries to respond to the crisis. The international community needed to do more to prevent and resolve conflicts, to grant protection to those who were fleeing persecution and to find durable solutions for refugees. The forthcoming Conference discussion on revising Recommendation No. 71 would enable the ILO to define a framework that took into account current challenges and contributed to finding lasting solutions. People in desperate need were vulnerable to exploitation, such as forced labour and trafficking – issues within the mandate of the ILO.
- 378.** The private sector had a long history of contributing aid in response to crises. Nevertheless, it could do more to work with governments and international organizations to assess refugees' skills; hire, train and mentor refugees; and contribute to resettlement programmes. The International Organisation of Employers (IOE) was addressing forced labour and trafficking, and had partnered with the International Organization for Migration (IOM) to promote ethical recruitment practices. In addition to addressing the humanitarian crisis, governments needed to create transparent and efficient systems for regular migration, in order to attract skilled migrants and fill acute skills shortages. Some countries were creating a streamlined path to permanent residence and others easing labour market test requirements for skilled foreign workers. Good labour migration policy required the creation of partnerships between policy-makers and social partners. The engagement of the private sector was essential: businesses' staffing experience and knowledge of skills needs could assist governments in improving immigration systems to promote economic growth and development. More must also be done to tackle the root causes of the refugee and migrant crisis, by improving living conditions in the countries of origin. The ILO should use its moral authority to help change mindsets to acknowledge the positive impact of migration on economic and social development.
- 379.** *The Worker spokesperson* said that the ILO had a major role to play by addressing the labour market implications of the global refugee crisis. The current situation differed from the regular flow of labour migration envisaged in the fair migration agenda. The ILO's specific role needed to be defined, taking into account the four strategic objectives of the Decent Work Agenda. The amount of casualties demanded immediate responses from the international community. Accurate information was needed to monitor the situation and so limit potential damage in the short term while searching for long-term sustainable solutions in countries of origin and of destination. Resettlement programmes to assist refugees with

integration should be implemented and support provided to those willing to return home when conditions improved. Refugees were not simply in need of housing, education, employment and health care for effective integration; they provided opportunities for the host country's labour market. The ILO should gather and publish facts and figures on refugees so as to counter myths and prejudices and inform stakeholders. Legal channels of migration should be promoted, and a solid anti-trafficking policy and sound social and economic development policies should be developed. He appealed to member States to step up their efforts to end the Syrian conflict. The ILO should call on States to work for the recognition of refugees' human rights and promote tripartite social dialogue on their integration in the labour market. The ILO should also promote ILO core labour standards and relevant ILO and UN conventions on migration to achieve decent work. Programmes on vocational training, language courses and guidance were needed, as was work towards the recognition of the value of qualifications and skills. An effort should be made to combat unfair competition, social dumping and human trafficking, to promote respect for human rights and social protection coverage and to protect refugees. The promotion of good practices and the exchange of information on integration policies and programmes should form part of the international response to the crisis, along with development cooperation. Member States should engage in humanitarian activities, and work towards implementing the Sustainable Development Goals. The ILO should explore the possibility of contributing to the global response to the crisis, for instance with an ILC resolution. The revision of Recommendation No. 71 could provide essential tools in that regard.

- 380.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia noted with concern that 86 per cent of refugees and internally displaced persons were from developing countries. The international community needed to strengthen its support of the largest refugee-hosting countries. Voluntary repatriation and reintegration remained the principal preferred durable solutions. In that regard, improvement of the situation in countries of origin would enable the international community to address most protracted refugee situations. The ILO could strengthen its development assistance in post-conflict situations, working with host countries and the Office of the United Nations High Commissioner for Refugees (UNHCR) in the provision of technical and vocational training to refugees in camps, so preventing dangerous secondary refugee movements. With UNHCR, the ILO could also provide livelihood opportunities to refugees and host communities. In view of the above, the group proposed the following wording for a draft decision: "The Governing Body requests the Director-General to: (a) strengthen its development cooperation in the countries of origin; and (b) hold a discussion on global migration and labour mobility issues at the next Governing Body session."
- 381.** *Speaking on behalf of GRULAC*, a Government representative of Mexico underlined that the role of the ILO was not only to provide and analyse data on the effect of the refugee crisis on the world of work but also to disseminate good practices and success stories of refugee integration in the labour markets of host countries. He recognized the role of the ILO in providing solutions for the consequences of the crisis on the world of work. International cooperation and solidarity was necessary. The region recognized the protection of refugees as an international duty of solidarity. In December 2014 it had adopted the Brazil Declaration and Plan of Action which addressed the topic of refugees, demonstrating its commitment to the issue.
- 382.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova and Georgia. Faced with the global phenomenon of more than 4.2 million Syrians having fled their country, the EU and its Member States had mobilized over €4.2 billion in humanitarian, development, economic and stabilization assistance and had given some 71 per cent of their annual humanitarian aid budget in 2014

to projects helping refugees and internally displaced persons in 33 countries. The EU shared the ILO's concern regarding the impact of the refugee crisis on host country labour markets. Beyond the immediate humanitarian aid imperative, there was a need for long-term development-oriented action, in which the ILO should provide evidence-based and gender-oriented guidance regarding policies for the labour market integration of refugees in host countries, through meeting basic preconditions, recognition of qualifications, training, and access to the labour market. In parallel, the ILO should contribute to measures against trafficking in persons and unacceptable forms of work, with a focus on child labour. The ILO had a particularly useful role to play in building the resilience of host communities, including through partnerships with other UN agencies and international organizations. The focus of forthcoming sessions of the ILC on employment and decent work for peace and resilience, as well as the planned ILO flagship programme on that issue, would give an opportunity to enhance and operationalize the ILO's role in that area.

- 383.** *Speaking on behalf of the Arab group*, a Government representative of Sudan said that practical measures were needed to address the labour market impact of the refugee crisis. The ILO should provide the governments and social partners in countries of origin, transit and destination with assistance in assessing the impact of crises and disasters on local labour markets and in designing tailored policies. While commending the work already carried out by the Office, he requested further information regarding the measures taken on the ground to enhance employment in the face of the increasing refugee crisis. The ILO could not act effectively without objective, impartial and accurate information regarding the situation of the countries affected. The situation called for greater efforts and an increase in international cooperation to address the needs of refugees and to alleviate the labour market impact through education, training and labour protection. His group was confident that tripartite dialogue at national, regional and international levels would play an important role in finding solutions, as the only means of raising awareness, learning from experience and bringing about a convergence of opinions.
- 384.** *A Government representative of Lesotho* said that her country had received an influx of mainly African refugees and the Government was sponsoring them up to high school and technical and vocational levels. However, owing to 25 per cent unemployment, the labour market could not absorb the additional workforce. Another challenge was human trafficking and the smuggling of migrants. In order to minimize the negative consequences of the global refugee crisis, the ILO, together with the UNHCR and other development partners, should drive and support the development and implementation of a comprehensive awareness programme; develop a refugee database and information management systems; fund education and training; develop employment promotion and integration programmes; and design training programmes targeting refugees, migrants, governments and social partners. In countries of origin, the ILO should support the development and implementation of clear and targeted engagement programmes to facilitate the smooth repatriation of refugees, and of refugee integration programmes.
- 385.** *A Government representative of Brazil* said that her Government was making significant efforts to rapidly increase its intake of refugees. However, xenophobic and discriminatory reactions in many countries were a matter of grave concern, making it necessary to highlight the benefits of migration for all parties. One main area for ILO action should be to provide refugees with access to formal labour markets, in the light of the recently adopted Recommendation No. 204 concerning the transition from the informal to the formal economy. In that regard, Brazil's refugee policy sought to guarantee the right to work, prior to granting refugee status, and to guarantee certain material conditions such as language classes, vocational training and recognition of qualifications. The ILO could be instrumental in pointing out how to mitigate the costs and extend the benefits of enabling refugees to enter national labour markets. Brazil had conducted a successful migrant intake programme following the 2010 earthquake in Haiti, indicating that the regularization of migration could

ensure that it was a vector of development, both for migrants themselves and for host countries.

- 386.** *A Government representative of Jordan* said that around 1.4 million Syrians had sought refuge within Jordan's borders, which represented 21 per cent of the population of her country. The heavy burden had overstretched its limited resources, increased unemployment, decreased trade and investment and undermined national security. In particular it had set Syrian refugees in direct competition with Jordanian workers for limited job opportunities, leaving vulnerable Jordanian groups exposed. In the face of rising unemployment, it was difficult to convince the national population that the influx of refugees could be beneficial. Jordan's 2014 refugee response plan and its 2016–18 update accordingly outlined a list of the priority needs for funding in different sectors. Only 35 per cent of the total required for 2015 had thus far been pledged or received. Support for tackling the crisis was urgently needed, and middle-income countries should also benefit from tapping into development funding. International agencies should focus on the needs of both refugees and host communities through rapid and innovative job creation, vocational training, and measures to generate stable employment and promote sustainable economic development. Should investments from the international community be forthcoming, her Government would be in a better position to provide refugees with jobs in line with national labour law.
- 387.** *A Government representative of Cuba* said that the vulnerability of refugees was increasing as many governments displayed a lack of political will to implement ratified instruments. Some governments allowed the entry of refugees and migrants but did not invest in promoting the integration process so that they could achieve their full potential. As the Director-General had noted at the recent 133rd Assembly of the Inter-Parliamentary Union, migrants faced many barriers to accessing the labour market and social security. Some governments selectively admitted highly qualified workers, creating a brain-drain that placed countries of origin at a further disadvantage. One of the main priorities for the ILO was to address prejudices, often caused by lack of awareness. International policies towards migrants and refugees should also be aligned to enable cooperation at different levels. That would require genuine dialogue, recognizing the capacities of individual countries and respecting national sovereignty. It was unacceptable to use force to control migration, which was a phenomenon that grew out of inequality. The ILO should use its knowledge and experience, in cooperation with other organizations, to alleviate and find solutions to the difficult situation experienced by migrant workers. That situation could not be resolved sustainably without tackling the root causes of poverty and inequality and halting political destabilization, terrorism and wars of aggression. Full realization of the right to development and social harmony was the only viable way of balancing migratory flows at global level.
- 388.** *A Government representative of Norway* said that the ILO had an important role to play in promoting sustainable livelihoods and decent work for both refugees and host communities. It should adopt a holistic and coordinated approach through both short- and long-term action with other development partners. The importance of decent work and economic growth highlighted the strategic nature of the ILO's engagement in implementation of the 2030 Agenda for Sustainable Development. In that light, he welcomed the fact that "Jobs for Peace and Resilience" had been designated as an ILO flagship programme. In addition, the ILO could contribute by making its labour market analyses available to both national governments and potential partners. The ILO fair migration agenda should highlight labour market policies as key instruments for achieving integration, with decent work as its linchpin both in countries of origin and in host countries.
- 389.** *A Government representative of Turkey* said that, as one of Syria's neighbours, Turkey had been particularly affected by the influx of Syrian refugees. Among other effects, the influx had resulted in a setback to the progress made in reducing informal employment. The Government's expenditure on the crisis dwarfed the funding provided by the international

community. However, geographical proximity did not mean direct responsibility, and it was time for the international community to find an international solution that was not limited to emergency measures. In that light, he welcomed the ILO refugee response project in Turkey and its support for the 8th Summit Meeting of the Global Forum on Migration and Development, held in Turkey in October 2015. One of the core instruments within the UN human rights framework was the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and he called on all States that had not yet done so to adhere to the Convention.

- 390.** *A Government representative of China* called for efforts to eliminate the root causes of conflicts in countries of origin and for vocational, language and other skills training to help refugees integrate into the labour market and society of host countries. Developed nations should fulfil their commitments and provide financial and technical assistance, particularly to developing host countries, with a view to the employment of displaced persons. Since 2004, China had donated US\$800,000 to the UNHCR and stood ready to cooperate with the ILO and the international community to address the labour market implications of the crisis.
- 391.** *A Government representative of Algeria* said that his country was hosting thousands of displaced persons from Africa and the Middle East. The legal regimes applicable to migrants and refugees were different, and the ILO should focus on promoting and protecting the rights of migrant workers; efforts to assist refugees should be made in cooperation with the UNHCR. A lasting solution to the refugee crisis must be found by acting on its underlying causes and prioritizing conflict prevention and resolution. Individuals who returned to their countries voluntarily should be helped to resettle and find jobs, and international cooperation should be extended to States that were hosting large numbers of refugees.
- 392.** *A Government representative of the Russian Federation* said that the only solution to the refugee crisis was to remove its deep-rooted causes by countering terrorism and achieving political settlements, and by helping countries to develop economically and socially and to strengthen or re-establish their state institutions. The ILO's efforts should be focused not only on host countries but also on countries of origin (a key approach that was not taken up in the report). Moves to reach political settlements must be accompanied both by humanitarian aid and by development support. Conditions should be created so that returning refugees had a place to go to and a way of earning a living. Practical steps (with the involvement of local authorities and social partners) should focus on education and training, the creation of jobs and the promotion of SMEs. The Russian Federation had considerable experience with the social integration of refugees, which it stood ready to share with the ILO.
- 393.** *A Government representative of Zimbabwe* said that ILO efforts during the current crisis should focus on economic migrants, including asylum-seekers and refugees seeking to enter the labour market of the host country or a third country. As seen from the report, the Organization had always dealt with migration and, in particular, labour migration issues. It should promote the existing instruments in that area, close any gaps through the new Standards Review Mechanism and provide relevant technical advice to affected member States and regional groups.
- 394.** *A Government representative of France* said that France had undertaken to host 30,000 refugees over a two-year period and was taking steps to house them and ensure their integration into society and access to the labour market. The ILO should work with host, transit and origin countries to facilitate that process through tripartite consultation in setting priorities and monitoring project implementation to build constituent capacity and promote the labour-related principles and rights that were often violated during crises. Since it lacked experience with such situations, the Organization should coordinate with the UNHCR, the IOM and similar agencies in addressing the immediate consequences of the crisis: informal

work, discrimination and lack of access to education, training and social protection. In reviewing Recommendation No. 71 at the 105th Session of the ILC, constituents should find ways to respond to such crises and facilitate the refugees' return to their countries of origin.

395. *A Government representative of Argentina* said that the ILO should help governments to develop crisis response policies and should cooperate with the UNHCR and other relevant agencies. Respect for the human rights of refugees and asylum-seekers was key to their integration into society, which in turn would promote the economic, political and social development of host countries. In Argentina, refugees had the same rights as citizens, including the right to non-discrimination, to remain in and move freely within the country, to free education and health care, to paid or self-employment and to establish a business. The shameful refugee crisis, which had led to child and forced labour, smuggling and trafficking in persons, should be addressed by sharing experience and good practices and considering ways to coordinate the funding of programmes to provide a rapid response.
396. *A Government representative of the United States* pointed out that nearly all of the policy outcomes under the ILO Programme and Budget for 2016–17 were relevant to the issues faced by refugees and host communities. Within that framework, the Organization could provide assistance and share best practices in areas such as skills training, data collection, employment promotion, protection of worker rights and social protection. Employers and Workers could play key roles in making the adjustments that the crisis required of refugees, host country workers and labour markets. The ILO was uniquely placed to assist the social partners and bring employers, workers and governments together to seek long-term solutions, perhaps as part of its flagship programme on “Jobs for Peace and Resilience”.
397. *A Government representative of Bulgaria* said that the fair migration initiative of the Director-General, launched at the 103rd Session of the ILC, should be continued. The ILO should provide host countries with guidance in setting labour market and refugee policies and promoting conditions for decent work. Bulgaria had adopted a national strategy on migration, asylum and integration for the period 2015–20 and had established a skills validation system for migrants without the necessary skills validation documents. The labour market dimension had yet to be fully incorporated into the global and regional crisis response and the ILO should share best practices with other UN bodies and international organizations. The upcoming review of Recommendation No. 71 and the flagship programme on “Jobs for Peace and Resilience” would enhance its role in that area.
398. *A Government representative of Ghana* said that the more protracted the crisis in the refugees' countries of origin, the longer they were likely to remain in their host countries. The ILO had intervened in many previous crises without encumbering the role of humanitarian agencies. It should step up its engagement through an inter-agency approach involving information-sharing among stakeholders in an atmosphere of respect and mutual understanding. Any strategy deployed must be comprehensive, collaborative and inclusive of the beneficiaries.
399. *A Government representative of Italy* said that his Government was helping to support Syrian farmers, distributing food through the World Food Programme (WFP) and providing support to Palestinian and African refugees. It planned to host 400 Syrian refugees, currently in Lebanon, by June 2016. The ILO should work with the UNHCR and other international organizations to create conditions for inclusive labour markets and prevent trafficking in persons and child labour.
400. *A Government representative of the Islamic Republic of Iran* said that the successful implementation of the 2030 Agenda for Sustainable Development hinged on finding an effective solution to the global refugee crisis. The ILO should examine the implications of the crisis for the labour market with a view to helping States address its consequences



through, inter alia, the adoption of appropriate labour policies. It should focus on gathering high-quality data and producing reliable statistics, and on cooperating more closely with relevant international organizations and the countries concerned. He welcomed the decision to revise Recommendation No. 71 and looked forward to the related discussions at the 2016 Conference. The Office should design policies aimed at addressing the needs of refugees worldwide in terms of education, training and skills development. His country had long played host to large numbers of refugees and had been recognized by the UNHCR as a pioneer in that area. It was willing to share its experience and best practices in dealing with the challenges posed by hosting large numbers of refugees with all relevant stakeholders.

401. *A Government representative of Pakistan* said that the background document prepared by the Office failed to distinguish between migrants and refugees and drew no distinction between emergencies and protracted refugee situations. For decades, Pakistan had hosted one of the world's largest refugee populations and was currently hosting some 1.5 million refugees. The best solution for dealing with large numbers of refugees was their voluntary return and reintegration in their country of origin. As there were around 10 million unemployed people in Pakistan, his Government had to prioritize creating jobs for Pakistani nationals. Shifting more of the burden associated with protracted refugee situations onto host countries was not sustainable. The international community should invest more in lasting solutions that addressed the root causes of the global refugee crisis and focused on prevention. The burden should be shared more evenly and the impact on host countries of international initiatives assessed. Social and economic factors must be considered when granting refugees access to local labour markets.
402. *A Government representative of Chad* agreed that the Office should limit itself to examining the implications of the global refugee crisis for the labour market. Migrants, returnees and forcibly displaced persons, in addition to refugees, had an impact on the labour market of host countries. Chad had mobilized significant financial resources to meet the basic needs of the many refugees and returnees entering its territory on account of the political and security crisis in neighbouring countries. In view of the numerous challenges posed by the global refugee crisis, the ILO should take urgent action to assist constituents in containing the situation in their country and, in the longer term, undertake initiatives in the areas of, inter alia, data collection, education and training, employment promotion, skills development and social protection, in both the refugees' country of origin and host country.
403. *A Government representative of Mauritania* said that care should be taken to avoid antagonizing the local population by according migrants preferential treatment, and to strengthen social harmony to prevent migrants being perceived in a negative light.
404. *A Government representative of Lebanon* said that the countries sharing borders with the Syrian Arab Republic had called on the international community to assist them in finding a comprehensive solution to the crisis in the country and to share the burden associated with the large influx of refugees and displaced persons into their territory. Given its small size, complex demography, current economic situation and the fact that it was already playing host to a large number of Palestinian refugees, Lebanon could no longer shoulder that burden alone. The most appropriate solution for dealing with the refugee crisis was the voluntary return and reintegration of refugees in their country of origin. The ILO had a role to play in that endeavour. There was still a lack of understanding of the difficulties facing host communities. The Governing Body was not the most appropriate forum for discussing the global refugee crisis and just placing it on the agenda of the current session would do little to alleviate the numerous problems facing host countries. Moreover, there seemed to be some confusion over the use of the terms "refugee" and "migrant". Any approach taken by the ILO should address the root causes of the crisis.

405. *The Director-General* said that the Governing Body had a duty of solidarity towards refugees and towards those member States which, by accident of proximity to the refugee crisis, had been called upon to assume a disproportionate amount of responsibility in dealing with it. There was a clear need for concerted action to provide an effective response to that situation. The massive flows of people transiting through certain member States contained both economic migrants and refugees. The ILO drew a clear distinction between those two categories of persons, not least because they were accorded different treatment under international law, but also because labour policies had to be tailored to their individual needs. The ILO attached great importance to economic migration issues, as demonstrated by the submission of the Report of the Director-General on fair migration to the Conference in 2014, which had led to the adoption of the promotion of fair and effective labour migration policies as one of the ILO's ten key policy outcomes. There was no danger of discussions on the global refugee crisis diverting attention from core migration issues; rather they were complementary to the ILO's overall migration agenda. In that connection, the Conference had decided to subject Conventions Nos 97 and 143 and Recommendation No. 71 to review under article 19 of the ILO Constitution. The Committee of Experts on the Application of Conventions and Recommendations would report to the Conference in June 2016 on that matter. There was a strong imperative for ensuring that cross-border migration took place in a lawful and regulated manner so as to avoid a surge in prevalence of phenomena such as forced labour and human trafficking. The ILO recognized the need to focus its efforts not only on alleviating the problems afflicting host countries but on tackling the root causes of the crisis in refugees' and economic migrants' countries of origin. In that connection, the ILO was in the process of launching its flagship development cooperation programmes, which included a programme on "Jobs for Peace and Resilience". The ILO was well placed to help member States develop policies to address issues such as training and education in the labour market. The ILO Memorandum of Understanding with the UNHCR was being revised on account of the growing refugee crisis, with a view to strengthening the partnership between the two organizations. The Office had put together a substantive portfolio of development cooperation proposals for Jordan, Lebanon, Turkey and Egypt but had been unable to mobilize sufficient funding for their implementation. While the Office was grateful for the contributions that it had received thus far, there was still a funding gap amounting to tens of millions of US dollars to be bridged. The proposed decision from the Africa group could very well be accommodated by the Governing Body in various ways. There were two possible means of continuing the discussion at the following session of the Governing Body, as could be finalized by the Screening Group in setting its agenda: by placing policy Outcome 9 on the promotion of fair and effective labour migration policies as well as the discussion on the implications of refugee issues for the ILO on the agenda, or by organizing a high-level discussion to which representatives of other relevant agencies could be invited. With regard to technical cooperation, the Office could strengthen its activities in countries of origin in line with the proposal made by the Africa group. The onus was on the Governing Body to decide on the best way to proceed.
406. *The Employer spokesperson* said that her group was amenable to continuing the discussion at the following session of the Governing Body. The current discussion should be used as a solid platform on which to build; care should be taken not to cover the same ground again.
407. *The Worker spokesperson* welcomed the Director-General's proposals. He agreed that the current debate should not be repeated. It was time for concrete action.
408. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe also agreed with the Director-General's proposals.

## Decision

**409.** *Following its in-depth discussion on the global refugee crisis and its labour market implications, the Governing Body decided that the agenda of its 326th Session (March 2016) should include, either:*

- (a) a sitting of the High-Level Section to hold a discussion on an ILO response to the global refugee crisis and to discuss relevant labour migration issues, to which representatives of other relevant agencies could be invited; or*
- (b) a discussion on policy outcome 9 for the 2016–17 biennium on promoting fair and effective labour migration policies and on the implications of refugee issues for the ILO.*

*The final choice would be taken by the Screening Group when setting the Governing Body agenda for the 326th Session.*

*The Governing Body further decided that in the above context the discussion at its 326th Session would also cover ways and means whereby the Office could strengthen development cooperation activities in refugees' and economic migrants' countries of origin.*

(GB.325/INS/17, decision drafted on the basis of the Governing Body's discussion.)

## **Eighteenth item on the agenda**

### **Composition and agenda of standing bodies and meetings (GB.325/INS/18)**

#### **Decisions**

Committee of Experts on the Application of Conventions  
and Recommendations

*New appointment*

**410.** *On the recommendation of its Officers, the Governing Body appointed Ms Deborah Thomas-Felix (Trinidad and Tobago) as a member of the Committee for a period of three years.*

(GB.325/INS/18, paragraph 2.)

13th African Regional Meeting  
(Addis Ababa, Ethiopia, 30 November –3 December 2015)

*Invitation of international non-governmental organizations*

- 411. *On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the World Association of Public Employment Services (WAPES) to be represented at the Meeting as an observer.***

(GB.325/INS/18, paragraph 4.)

Employers' Symposium on Global Supply Chains: Contributing  
to development and improved working conditions  
(Bangkok, Thailand, 8–9 December 2015)

*Composition*

- 412. *On the recommendation of its Officers, the Governing Body approved the following composition formula: representatives of employers' organizations from 32 countries, including both industrialized and developing countries in Africa, the Americas, Asia and the Pacific, Europe, and the Arab region, nominated after consultation with the Employers' group of the Governing Body.***

(GB.325/INS/18, paragraph 6.)

*Agenda*

- 413. *On the recommendation of its Officers, the Governing Body approved the following agenda for the Symposium:***

- *The role global supply chains play in economic and social development.*
- *The practical challenges for buyers and suppliers when addressing working conditions in supply chains.*
- *The main lessons learned from supply chain management programmes over the past two decades and current trends.*
- *How the ILO can best help its constituents in improving compliance and working conditions, including in export industries.*

(GB.325/INS/18, paragraph 8.)

Workers' Symposium: Decent Work in Global Supply Chains  
(Geneva, 15–17 December 2015)

*Composition*

- 414. *On the recommendation of its Officers, the Governing Body approved the following composition formula: 30 or more trade union representatives, nominated after consultation with the Workers' group of the Governing Body and coming from both industrialized and developing countries in Africa, the Americas, Asia and the Pacific, Europe (including Eastern and Central Europe), and the Arab States. Efforts would be made to ensure that at least 30 per cent of the***

*participants selected were women, in compliance with the Workers' group's policy on gender equality.*

(GB.325/INS/18, paragraph 12.)

#### Agenda

**415.** *On the recommendation of its Officers, the Governing Body approved the following agenda for the Symposium:*

- *To examine the recent trends and developments of global supply chains.*
- *Analyse the impact of global supply chains on decent work outcomes.*
- *Develop strategies for the effective governance of global supply chains.*
- *Prepare for the general discussion on global supply chains due to take place during the forthcoming International Labour Conference in June 2016.*

(GB.325/INS/18, paragraph 15.)

#### Invitation of international non-governmental organizations

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

- *Building and Woodworkers' International (BWI);*
- *Education International (EI);*
- *European Trade Union Confederation (ETUC);*
- *General Confederation of Trade Unions (GCTU);*
- *IndustriALL Global Union;*
- *International Arts and Entertainment Alliance (IAEA);*
- *International Confederation of Arab Trade Unions (ICATU);*
- *International Federation of Actors (FIA);*
- *International Federation of Journalists (IFJ);*
- *International Federation of Musicians (FIM);*
- *International Trade Union Confederation (ITUC);*
- *International Transport Workers' Federation (ITF);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF);*

- *Organization of African Trade Union Unity (OATUU);*
- *Public Services International (PSI);*
- *Trade Union Advisory Committee to the OECD (TUAC);*
- *Trade Union Confederation of Arab Maghreb Workers (USTMA);*
- *Union Network International (UNI);*
- *World Federation of Trade Unions (WFTU).*

(GB.325/INS/18, paragraph 17.)

Second meeting of the Special Tripartite Committee  
established under the Maritime Labour Convention, 2006  
(Geneva, 8–10 February 2016)

*Invitation of international non-governmental organizations*

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

- *International Association of Classification Societies (IACS);*
- *International Christian Maritime Association (ICMA);*
- *International Confederation of Water Transport Workers' Unions (ICWTWU);*
- *International Maritime Health Association (IMHA);*
- *International Seafarers' Welfare Assistance Network (ISWAN);*
- *Seafarers' Rights International.*

(GB.325/INS/18, paragraph 20.)

Ad hoc Tripartite Maritime Committee for the amendment of the  
Seafarers' Identity Documents Convention (Revised), 2003  
(No. 185) (Geneva, 10–12 February 2016)

*Invitation of international non-governmental organizations*

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

- *International Air Transport Association (IATA);*
- *International Association of Classification Societies (IACS);*
- *International Christian Maritime Association (ICMA);*

- *International Confederation of Water Transport Workers' Unions (ICWTWU);*
- *International Maritime Health Association (IMHA);*
- *International Seafarers' Welfare Assistance Network (ISWAN);*
- *Seafarers' Rights International.*

(GB.325/INS/18, paragraph 23.)

## Policy Development Section

### Employment and Social Protection Segment

#### First item on the agenda

#### Formalization of the informal economy: Area of critical importance (GB.325/POL/1/1)

- 419.** *The Employer spokesperson* noted that work of the area of critical importance (ACI) had contributed to knowledge and experience which had led to the development and adoption of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). His group supported strengthening constituents' capacity to develop and implement policies that facilitated formalization and prevented informalization of formal employment and enterprises. As 90 per cent of small and medium-sized enterprises (SMEs) operated in the informal economy, particular focus should be given to that area. As well as improving the business environment through legislative reform, more emphasis should be placed on better access to finance, markets, lifelong learning and business development services to ensure sustainable enterprises. ILO work had taken a rights-based approach. The emphasis should be more on formalizing enterprises before formalizing jobs. The increasing confusion of non-standard forms of work with informality was concerning. Formalization required a broad approach, looking at economic performance, generating decent jobs, appropriate macroeconomic policies and, above all, an enabling environment for enterprises.
- 420.** The Employers agreed on the need for diverse strategies for formalization, particularly at the national level. The link between the targets of decent work and inclusive growth in Sustainable Development Goal (SDG) 8 was critical, and the ILO should do more to support the formalization of SMEs as part of the 2030 Agenda for Sustainable Development. At the national level, it was important to involve a broad range of actors to ensure coherence and clarity in the transition process. There was a need to mobilize adequate resources for the work ahead.
- 421.** *The Worker spokesperson* said that formalization of the informal economy was very important for his group and required interventions in the policy areas covered by all the ACIs. Most workers in the informal economy were not there by choice, but because of a lack of decent jobs and, in many countries, inadequate levels of social security. Workers in the informal economy were subject to many decent work deficits. The ILO focus on formalization would be an important contribution to the achievement of the SDGs. The ILO should build on the achievements and lessons learned of ACI 6 to give effect to Recommendation No. 204. The Office should continue the work on non-standard forms of employment and informality in the subsequent biennium. They supported the sector-based approach, and called for the focus on domestic workers to be expanded to migrant workers. They encouraged the continuation of the integrated approaches to formalization cutting across several policy areas and involving different institutions; the strategic linkages made with ACI 3 on social protection floors; the focus on strengthening compliance with the law; and the work on the role of minimum wages in formalization, which they hoped would receive sufficient resources. While the many areas of intervention were valuable, there was a need to work on an integrated framework for formalization.
- 422.** The Workers agreed on the need to ensure coherence between different types of legislation and the role of macroeconomic, employment and sectoral policies in facilitating



formalization and preventing informalization. Employers' and workers' organizations had a key role in addressing gaps in representation in the informal economy, and should be fully involved in the design, implementation and monitoring of national policies on formalizing the informal economy, consistent with Recommendation No. 204. Effective social dialogue could only happen in an environment that provided for the respect and effective realization of the rights enshrined in 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). The Workers urged caution in promoting the "tripartite-plus" formula, given that there were areas where only employers, trade unions and governments had a right to take action; the role of non-governmental organizations must be given careful thought. The Workers supported the draft decision.

- 423.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Norway and Republic of Moldova aligned themselves with the statement. He acknowledged the input provided by ACI 6 to the standard-setting discussion and the link to the 2015 Conference discussion on SMEs. As to the 15 country projects, many of the lessons learned and conclusions were in line with the EU's position. National circumstances should shape policy responses. Furthermore, the newly adopted SDG 8 should be taken into consideration; the key to success was policy coherence from the design of macroeconomic policies to the adoption of a sound legal framework and informed measures, taking into account workers' needs. Measures were needed to improve good governance and compliance, ensure the cooperation of tax authorities, the labour inspectorate and social protection agencies, and fight corruption. Coordination of business, tax and social security registries could ensure better coverage of informal enterprises and workers. The role of the social partners should be enhanced. He welcomed the sharing of experiences and good practices in addressing informality effectively and improving the social protection and well-being of workers. The group supported the draft decision, provided that its guidance was taken into consideration.
- 424.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran welcomed the ILO's work on the transition to the formal economy, including Recommendation No. 204, which would support the realization of SDG 8. When designing national strategies for facilitating the transition to the formal economy, it was essential to capture local circumstances. He endorsed the proposed strategy and underlined the importance of taking into consideration the work undertaken by ACI 6 and the strong linkages between the eight ACIs. Awareness raising and exchange of good practices should be systematic. New Decent Work Country Programmes (DWCPs) should take account of developments in the transition to the formal economy and national circumstances. Further research into the factors behind the informal economy and how it had evolved over time was needed. The Office should develop tailored technical support to promote data collection. ASPAG also supported the development by the Office of policy-oriented research and tools. Regional Meetings provided good opportunities for knowledge sharing and awareness raising, and South-South cooperation and interregional knowledge exchange played a key role in sharing successful approaches to the transition to the formal economy. The Office should continue promoting cooperation and partnerships with relevant international organizations in that domain. Concerning the follow-up to the resolution, ASPAG favoured conducting the review of the six-year plan of action in 2020.
- 425.** *Speaking on behalf of the BRICS countries*, a Government representative of the Russian Federation said that his group welcomed ILO work on formalization of the informal economy, in particular the emphasis on including business-enhancing measures in national strategies, strengthening the capacities of the social partners, improving legislation and adapting strategies to national circumstances. The group shared the ILO's vision on formalization, and welcomed the positive experiences and achievements in India and South

Africa. Other BRICS countries had also developed relevant policies and strategies, which they were willing to share with the ILO and its constituents. BRICS States pursued a threefold approach, as suggested in Recommendation No. 204. For the measurement of informality, data collection and processing by the ILO must be correlated with the activities and methodologies of national statistical institutions. At the meeting of BRICS ministers of labour in the Russian Federation in January 2016, a medium-term labour market formalization strategy would be discussed and the Office's involvement in its preparation was welcomed. The group endorsed the conclusions and the follow-up strategy.

- 426.** *Speaking on behalf of the Africa group*, a Government representative of Chad highlighted the importance of the transition to the formal economy for developing countries, and the need for country-tailored strategies integrated into actions under the other ACIs. Awareness should be raised on the work under the ACIs and of the advantages of moving to the formal economy among key stakeholders. Interregional cooperation to facilitate formalization should be continued. The African Union had also addressed formalization at high-level meetings and was undertaking work in the area. The group supported the draft decision.
- 427.** *A Government representative of India* supported the emphasis on innovative strategies, gender-sensitive analysis and flexibility in strategies for Members. Elements such as the scale, composition and segmentation of the informal economy should be considered when mobilizing resources for country programmes. His Government had modernized laws governing the labour market and working conditions to create an enabling environment for business and provide a large, previously excluded, segment of the workforce with basic labour rights and was also extending access to social security. In the transition to formality, the principles of decent work must remain paramount, and each country should proceed according to its capacity and priorities.
- 428.** *A Government representative of France* said that the adoption of Recommendation No. 204 was a milestone in the ILO's history: it provided a concrete response to addressing the informal economy, in which a majority of workers worldwide worked. The interventions under ACI 6 had contributed to that instrument. France had contributed to the development of a methodological guide intended for labour inspectors in West Africa, the first of its kind, which would soon be available to constituents.
- 429.** *A Government representative of Argentina* said that Argentina had recently experienced great success with reducing non-registered employment, which had fallen by 14.5 percentage points between 2003 and 2012. That had been achieved by making employment central to public policies for inclusive growth, allowing large groups of workers to be brought into the formal economy. Argentina's experience demonstrated that the State was the most effective actor in combating informality. He supported the draft decision, and highlighted two key elements that should shape future strategies: policy interaction to ensure that informal work was tackled in an integrated manner and a positioning of employment as a vital component of citizenship and of a democratic, inclusive society.
- 430.** *A Government representative of Mexico* said that the transition to formality was fundamental to the reduction of inequality and poverty, and to the achievement of sustainable, inclusive growth. His Government had shown support for the ILO's strategy by taking action in line with its own national development plan to: strengthen and expand social protection; improve education for inclusive development; and simplify the process of paying taxes, to encourage businesses to operate formally. Its integrated public policies were aligned with the strategies under ACI 6 and would contribute to Mexico's achievement of SDG 8. Mexico supported the draft decision.
- 431.** *A Government representative of the Russian Federation*, while pointing to the need to identify the causes of informality, also noted that lifelong learning to meet the needs of the

labour market should be addressed. Her Government had designed a training plan to address skills shortages. She highlighted other measures taken by her Government to reduce informality.

432. *A Government representative of the United States* supported the proposed strategy to follow up on the resolution and expressed particular appreciation for the technical assistance and expertise that the Office was providing to member States, in the light of the lack of decent work in the informal economy. The efforts to leverage linkages with other ACIs and between global products and activities at the regional and country levels, as well as collaboration with other international organizations, were also welcome. She supported the draft decision.
433. *A representative of the Director-General* (Director, Conditions of Work and Equality Department), acknowledged that lessons learned and Recommendation No. 204 would shape further action in the area. Responding to the Employers' concern of an exclusive rights-based focus in relation to the ILO activities on micro- and small enterprises, she said that the strategies pursued entailed interventions at multiple levels, including both measures to increase productivity and the provision of advice to governments with a view to enabling micro-enterprises to participate in public tenders and to extending social security to workers in micro- and small enterprises. Regarding the Employers' point on the need to avoid confusing non-standard forms of employment and informal employment, she noted that those terms were not synonymous. However, there might be overlaps between the two categories, such as casual work, and the work under the ACI had shown the importance of various policies to address possible deficits in informal workers' entitlements.
434. In response to the Workers' remark regarding a piecemeal approach of interventions which emerged from the Office paper, she indicated that the document sought to illustrate how particular countries had addressed common challenges. However, coherent strategies were pursued at the country level. In countries such as South Africa, India, Senegal, Peru and Dominican Republic, country programme outcomes which addressed different aspects of informality were brought together under an integrated framework for the formalization of the informal economy. Regarding domestic workers, the Office was already working to support migrant domestic workers, but host countries needed to have policies and institutions in place to move national domestic workers into the formal economy before migrant workers could follow suit. She acknowledged that ILO tripartite constituents needed to remain at the forefront of strategies and policies on the formalization of the informal economy, and for the latter to be effective, economic and social policies must be structured so as not to undermine each other's effects. Given the diversity of circumstances in different countries, it was essential to tailor approaches to individual countries.
435. *The Employer spokesperson* said that the definition of "casual work" varied from country to country and could be either informal or formal.
436. *The Worker spokesperson* welcomed Government representatives' commitment to implementing Recommendation No. 204. The process of designing and implementing a national policy framework for formalization called for the involvement of the tripartite constituents. The Office should become more active in offering advice and policy recommendations to Governments. The concept of "tripartite-plus" merited further discussion. Not all non-standard forms of employment were informal, but most of them were precarious. The Office should pursue a country-specific approach to formalization.

## Decision

437. *The Governing Body requested the Director-General to take account of its guidance, which builds on the results and conclusions of, and lessons learned from, the work under the ACI on the formalization of the informal economy in*

*order to inform the implementation of outcome 6 of the Programme and Budget for 2016–17 and the follow-up to the resolution concerning efforts to facilitate the transition from the informal to the formal economy.*

(GB.325/POL/1/1, paragraph 27.)

**Formalization of the informal economy:  
Follow-up to the resolution concerning  
efforts to facilitate the transition from  
the informal to the formal economy  
(GB.325/POL/1/2)**

**438.** *The Worker spokesperson* said his group welcomed the adoption of Recommendation No. 204. The challenge was to give effect to its provisions in an integrated and coherent way along the four pillars of the Decent Work Agenda and with the involvement of the social partners. The follow-up strategy broadly reflected the Conference resolution and should integrate lessons learned in the framework of ACI 6 on formalization, taking into account the comments made on the document GB.325/POL/1/1. With respect to the four components of the follow-up strategy, the promotional awareness-raising and advocacy campaign should help members to bring the Recommendation before national authorities, in accordance with article 19(6) of the ILO Constitution. He supported the training activities proposed, including those targeting workers' organizations. He emphasized the importance of the objective set out in Paragraph 1(c) of the Recommendation to prevent the informalization of formal jobs. It required the Office to assist member States to give effect to the legal and policy frameworks and employment sections of the Recommendation. He said he was glad that the promotion of Recommendation No. 204 would form an integral part of the Office's efforts to promote the ratification and implementation of the ILO instruments listed in the Annex thereto. He expected the results of this work to be reflected under outcome 2 of the programme and budget. The success of the formalization strategy would depend on the adoption of an integrated approach to the Decent Work Agenda. He welcomed the incorporation of the transition to the formal economy into DWCPs, however warning that in the past DWCPs had not reflected an integrated approach across the four strategic objectives. With respect to the proposed championing of integrated action on Recommendation No. 204 by ten countries, national workers' and employers' organizations should be involved in the design, implementation and monitoring of that action. Transition policies must pay particular attention to the rights of migrant workers. He welcomed the proposed development and incorporation of modules on Recommendation No. 204 in regular courses on employment policy and social protection offered by the Turin Centre, and requested the Office to ensure funding to enable members of workers' and employers' organizations to attend the Turin Academy on the formalization of the informal economy. He welcomed the fact that the 13th African Regional Meeting in Addis Ababa would be the first such meeting to discuss the transition to the formal economy and that preparation for other regional meetings was under way. Recommendation No. 204 would play an important role in implementing the 2030 Agenda for Sustainable Development. Proposed work on the G20 was also supported. It would be worth exploring the proposal for an international multi-stakeholder advisory board for advocacy and to support action to give effect to the Recommendation. Partnerships and cooperation with international forums relating to environmental issues should be considered. A General Survey on Recommendation No. 204 in 2020 needed further consideration in light of future decisions on the cycle and sequence of recurrent discussions. The Workers approved the draft decision.

**439.** *The Employer spokesperson* said that follow-up action giving effect to the resolution was a priority for the Employers' group and welcomed the fact that the key issues of the resolution

were addressed in the proposed plan of action by the Office. He called on the Office to give special focus to measures at the national level in line with the conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in 2007. There was a need for an inclusive growth strategy that would promote the expansion of the formal economy and decent and productive employment, conducive business and investment environments and access to land and property rights. Barriers to the transition to the formal economy, such as those relating to registration, taxation and compliance with laws and regulations, should be reduced. Micro-, small and medium-sized enterprises should be promoted. Access to education, lifelong learning and skills development and to financial and business development services, as well as to markets, infrastructure and technology, should be promoted. His group endorsed the draft decision.

- 440.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said the former Yugoslav Republic of Macedonia, as well as Montenegro, Serbia and Republic of Moldova aligned themselves with his statement. The four interrelated components of the follow-up strategy 2016–21 struck a good balance between promotion, capacity building, knowledge development and international cooperation and should take account of the lessons learned from ACI 6. He welcomed the proposed promotional and advocacy campaign and encouraged the Office to address others beyond its tripartite constituency. In order to avoid excluding workers in informal situations, promotional materials should allow for linguistic diversity among them and strive for targeted actions to include them and their organizations. He noted with interest the proposed pilot programme for ten countries across the regions, which would provide case studies that would eventually be scaled up and replicated. The proposal to place an item on transition to the formal economy on the agenda of regional meetings was useful and he welcomed further consultations with respect to the forthcoming European meeting. The ILO's efforts to give prominence to Recommendation No. 204 in the implementation of SDGs 1, 8 and 10 of the 2030 Agenda were welcome. The possibility of a future General Survey under article 19 of the ILO Constitution called for further reflection. The EU and its Member States would continue to support the Decent Work Agenda at the global level. The Recommendation together with the proposed action plan was a substantial contribution in that regard. He supported the draft decision.
- 441.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said the group welcomed the proposed comprehensive strategy for Office action and considered it was timely, commendable and guided by the needs of tripartite constituents. The group supported its focus on key strategic areas of awareness-raising and advocacy campaigns, building constituents' capacity at the country level, regional and global knowledge sharing, knowledge development and dissemination and international cooperation and partnerships. Creating awareness and building capacity was highly relevant for her region. The guidance contained in Recommendation No. 204 would be relevant for the region if adapted to suit the different needs of its member States. She supported the six-year plan of action, and hoped it would be implemented in synergy with the other nine outcomes, the three cross-cutting issues and the follow-up action on relevant Conference resolutions. In line with SDG 8 of the 2030 Agenda, the proposed strategy was a useful tool for the effective implementation of the Recommendation. She called for periodic reviews of progress made, and expressed support for the draft decision.
- 442.** *Speaking on behalf of the Arab group*, a Government representative of Sudan said Recommendation No. 204 was relevant for millions of workers worldwide. The proposed strategy would need updating to reflect changes over the six-year period to 2021. The implementation of new national legislation to facilitate the transition to the formal economy, taking into account the different economic situations in different countries, should be facilitated. The fact that the Recommendation had been adopted in the same year as the 2030

Agenda was a fortunate coincidence that should be taken advantage of in pressing for decent work.

443. *Speaking on behalf of GRULAC*, a Government representative of Mexico said all GRULAC countries were affected by informal employment, which involved at least 130 million people. An integrated strategy was needed to tackle the underlying causes and to combat poverty and social exclusion. He welcomed the adoption of Recommendation No. 204, supported the proposed follow-up strategy and considered that the ILO Programme for the Promotion of Formalization in Latin America and the Caribbean (FORLAC) could be of great assistance in the region. He supported the Office's proposal to include the question of the transition to the formal economy on the agenda of the 19th American Regional Meeting in 2018. The strategy would also be essential for the implementation of the 2030 Agenda, especially SDG 8.3. He supported the draft decision.
444. *A Government representative of India* requested the Office to ensure that the statements made by the representative of the Islamic Republic of Iran on behalf of ASPAG and by India under agenda item 1/1 were also reflected under agenda item 1/2.
445. *A Government representative of Panama* outlined various government actions to reduce levels of informality through innovative and effective policies that created decent jobs, detailing some. He called on the Office to create a platform for the exchange of good practices on the transition to the formal economy and the implementation of Recommendation No. 204. Informal work affected millions and was a matter of concern for all; its underlying causes were best tackled by means of an integrated strategy.
446. *A Government representative of Cambodia* said his country was making changes in line with Recommendation No. 204, including through a national strategy for growth, employment, equity and efficiency. The ten-year national employment policy launched in October 2015 would facilitate the transition to the formal economy. He supported the draft decision.
447. *A Government representative of Lesotho* noted the interlinkages between Recommendation No. 204 and SDG 8. He emphasized the serious challenge posed by the informalization of jobs in the formal sector, and urged the Office to facilitate the sharing of knowledge and experience within and across regions.
448. *A Government representative of Thailand* said Thailand's multiple efforts to formalize economic activity included the implementation of legislation on homeworkers and the extension of social protection to a greater proportion of the population. The four interrelated components of the strategy proposed by the Office would support action by constituents at the national level to implement Recommendation No. 204. Thailand supported the draft decision.
449. *A Government representative of Mexico* said he welcomed the integrated and coherent strategies for promoting formalization set out in the follow-up strategy proposed by the Office and supported its four interrelated components. With respect to the championing of the integrated strategy by ten countries, he welcomed the implementation of the strategy in Mexico supported by ILO technical assistance. Mexico supported the proposal to evaluate the strategy in 2020 and to include formalization on the agenda of the 19th American Regional Meeting; doing so would support the FORLAC programme. He supported partnerships and collaboration with other organizations as well as between different parts of the ILO, including the Bureau for Workers' Activities (ACTRAV), the Bureau for Employers' Activities (ACT/EMP) and the Turin Centre. Mexico supported the draft decision.

450. *A Government representative of the Dominican Republic* said a national employment plan and a covenant agreed jointly with the social partners had contributed to increasing social inclusion in her country. Statistics indicated that levels of informality in the economy had been measurably reduced. The Dominican Republic had recently ratified four relevant ILO Conventions. It applauded the ILO's proactive stance on formalization and supported the draft decision.
451. *A Government representative of Indonesia* said awareness-raising activities should also target the general public, and that the Office could assist constituents in developing strategies for conducting such activities. Evidence-based information about what works for formalization should be made available. It was appropriate to include the topic on the agenda of ILO regional meetings and in the report of the Director-General. Indonesia was ready to provide support in that regard as the host of the next Asia and the Pacific Regional Meeting.
452. *A Government representative of Bangladesh* said the recent adoption of new labour legislation and insurance schemes had helped to formalize some informal economic activities in his country. He urged the Office to provide tailored technical assistance for skills development programmes, which would serve as a catalyst for formalization. Supporting the strategic plan of action, he noted that it should also consider the needs of workers exposed to environmental risks, natural disasters and the effects of climate change. Bangladesh supported the draft decision.
453. *A representative of the Director-General* (Director, Employment Policy Department) thanked all delegates for their comments on and endorsement of the strategy, with its four interrelated components, proposed by the Office to follow up on Recommendation No. 204. The strategy provided practical guidance on and a systematic approach to integrating various formalization efforts by constituents, and by the Office in support of constituents. She noted that the guidance given by tripartite constituents emphasized the need for integrated strategies that pursued the three elements of Recommendation No. 204 – namely, promoting job creation in the formal economy, preventing further informalization of those in the formal economy, and the need to support the transition to the formal economy of those in the informal economy – simultaneously. However, it should be noted that the pursuit of integrated strategies at the national level posed a considerable challenge. Labour ministries and social partners played a key role, proactively proposing and coordinating a process of coherent and integrated strategy-setting for the transition to the formal economy and engaging the support of other ministries and institutions. The interest shown in, and approval given to, the proposal to provide support to ten champion countries was most encouraging. She thanked countries that had offered to pilot the implementation and indicated that the full list would be made available after further consultations. Work on ACI 6 would continue, taking into account lessons learned from its implementation; the comments made in that regard during discussion of agenda item 1/1 had been duly noted. Already in 2015 and since its adoption, Recommendation No. 204 had been introduced at several regional and global knowledge-sharing events organized under the aegis of ACI 6. The need for coherence and synergy across Programme and Budget outcomes would be ensured in Office action. In response to a question from ASPAG, she said that 2020 had been considered an appropriate time at which the Governing Body could review lessons learned and reorient and update the strategy. Since the proposal had been met with approval, it would be proposed through the usual channels. She noted the extensive comments on and the support for reaching out to regional and international partners with regard to Recommendation No. 204, including in the context of the implementation of the 2030 SDGs. Efforts to start that process had been successful, including the presentation of Recommendation No. 204 to the Second Committee of the United Nations General Assembly, and its discussion with the World Bank, the G20 and the BRICS countries. The idea of setting up a multi-stakeholder group on transition to the formal economy at the global level would be explored. Responding to the Workers' questions, she indicated that migrants would be a key focus of future work on formalization

and that fundraising efforts would be pursued to facilitate the participation of workers and employers in the Turin Academy and other courses dealing with transition to the formal economy. With respect to the emphasis laid by the Employers and several governments, she added that action at the country level would give due importance to the nexus of sustainable enterprises, economic development, productivity and skills development as part of the integrated strategy.

**454.** *The Worker spokesperson* underscored that the Workers' and Employers' groups and ACTRAV and ACT/EMP should be involved in the finalization of the list of ten champion countries. The process in Recommendation No. 204 whereby workers in the informal economy were to be represented had been carefully negotiated; it was important that the tripartite process was respected, and the Office should ensure that national governments were made aware of the mechanism set under Recommendation No. 204. An item on transition to the formal economy should be included on the agenda of the next European Regional Meeting and efforts on formalization in Europe should take into account the needs of countries outside the EU.

**455.** *The Employer spokesperson* said he looked forward to the consistent, comprehensive and inclusive implementation of follow-up action to Recommendation No. 204. The Employers' group supported the draft decision, on the understanding that the point it had highlighted earlier in the meeting would be taken into account by the Office when implementing the follow-up strategy.

## **Decision**

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

- (a) take into account its guidance in pursuing the plan of action for the implementation of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and to draw on it when preparing future programme and budget proposals and in developing resource mobilization initiatives; and*
- (b) communicate the resolution concerning efforts to facilitate the transition from the informal to the formal economy in the standard manner to the governments of member States, and through them to the national employers' and workers' organizations and, also, to partner agencies in the multilateral system.*

(GB.325/POL/1/2, paragraph 50.)

## **Second item on the agenda**

### **Indigenous peoples' rights for inclusive and sustainable development**

(GB.325/POL/2)

**457.** *The Employer spokesperson* said that two immediate challenges for the ILO were improving understanding of the contents and scope of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), within the UN system, and strengthening institutional dialogue, consultation and participation mechanisms. For it to be considered as an instrument of social dialogue contributing to the 2030 Agenda for Sustainable Development, the Convention should be



seen to both protect and promote the rights of indigenous peoples, and to create an economic and social environment favourable to investments and the creation of decent and productive jobs and benefiting both indigenous peoples and society as a whole. A revision of the *Handbook for ILO Tripartite Constituents* on Convention No. 169 and more training and promotion activities to improve understanding should be envisaged. Thus, the group supported country and regional programmes and any interregional training courses organized by the Turin Centre; and the initiative to draft ILO guidelines and compile good practices. Related activities should involve ACT/EMP and ACTRAV. Clarification was needed regarding the responsibilities created by the Convention, in particular regarding consultation and participation. The Convention clearly made States responsible for conducting consultations and under Article 6 of the Convention, the aim of consultation was to attempt to achieve agreement or consent to proposed measures. However, many stakeholders disseminated the idea of “free, prior and informed consent”, interpreted as a right to veto, in clear contradiction with the Convention. The Office support should assist in establishing real and substantial consultation procedures and highlight examples of good practice to dispel misunderstandings. He observed with concern the problems regarding the identification of representative institutions of indigenous and tribal peoples. Governments and the ILO supervisory bodies needed to be aware of the direct impact of that on consultation activities and the ILO’s strategy should promote consultations with clearly defined authentic representative institutions of indigenous peoples. Referring to the regional report prepared by ACT/EMP which examined the functioning of procedures for prior consultation in connection with investment projects in some Latin American countries, his group requested it to be widely disseminated by the Office. The ILO should reclaim a leading role in providing Members with practical solutions and comparative experiences to develop appropriate regulatory and institutional frameworks for consultation in line with the Convention.

- 458.** The strategy should explore areas of action referred to in the Convention, such as vocational training and education, which had not been given sufficient attention. Concerning partnerships, the ILO as an active member of the Inter-agency Support Group on Indigenous Issues should present with clarity the Convention including the difficulties related to its application and should assume a leadership role to ensure a coherent approach. He supported continued collaboration with the UN Working Group on Business and Human Rights and the Global Compact and noted that ACT/EMP should also be involved. ILO publications for the promotion of Convention No. 169 should highlight its importance for the private sector, and the need for national frameworks for sustainable enterprises; identify good and bad implementation practices by States; and recognize the fundamental role of employers’ organizations in national social dialogue, and of the International Organisation of Employers in any process to review documents, strategies and mechanisms to promote the Convention. His group supported the draft decision and proposed that the Office present the 326th Session of the Governing Body with an action plan addressing the concerns raised by his group and the budgetary and resource mobilization requirements to implement it. The Office should also keep the Governing Body informed of its partnerships with other agencies and invite it to provide guidance with a view to establishing the ILO as a leader in the protection of indigenous peoples’ rights.
- 459.** *The Worker spokesperson*, exposing the plight of indigenous peoples who suffer from major decent work deficits, said that recent commitments to indigenous peoples’ rights, such as at the World Conference and in the 2030 Agenda, and the levels of exploitation and discrimination that they still suffered fully justified the ILO’s enhanced action in the area. Although the Office identified some key areas of discrimination, it should continue to work on multiple forms of discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). She supported the seven elements of the ILO’s strategy. The ILO should promote ratification of Convention No. 169 to cover regions with low rates of ratification, focusing on countries with large indigenous communities. The

strategy should promote a rights-based approach to development for indigenous peoples with a focus on the right to associate and bargain collectively. A number of ILO standards, if ratified and implemented, would go a long way to improving the living and working conditions of indigenous peoples. Indigenous groups should also be included in the work on sustainable development and green jobs. Synergies should be taken into account in the Office's future strategy and under outcome 2 of the Programme and Budget for 2016–17, in particular with regard to its technical assistance for ratification and implementation. Another key area of action concerned addressing the absence of appropriate legal and institutional frameworks for consultation and participation. Progress could be made by giving effect to the Convention's provisions regarding consultation, participation and impact assessment in respect of natural resources' exploration and exploitation, including on the basis of comments provided to the ILO supervisory system by workers' organizations. Capacity building and building self-sufficiency for ongoing training and knowledge development were key. In seeking to help indigenous peoples realize their rights and promote respect for their traditional livelihood activities, market-based economy approaches had proved to be limited and more work should be done through cooperatives and the social economy. Recommendation No. 204 would provide useful guidance. The group supported extending work on social protection, with a particular focus on indigenous and tribal women. The Office should use guidance provided by the ILO MNE Declaration to promote respect for indigenous peoples' rights in multinational enterprises. Lastly, the Office should make sufficient resources available from its regular budget to achieve the strategy's goals. She called on donors to provide the necessary funds with a view to building on the renewed global interest for the promotion and protection of the rights of indigenous and tribal peoples. She expected the proposed strategy to result in higher rates of ratification and implementation of Convention No. 169.

- 460.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Albania, Serbia and the Republic of Moldova. The rights of indigenous peoples, as defined by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), was an important element of the EU's human rights policy. The EU supported the outcome document of the World Conference and recognized the crucial role of the ILO and its Convention No. 169. In view of the continued vulnerability of, and discrimination against, indigenous peoples, the EU welcomed the ILO proposal to strengthen institutionalized dialogue with such groups to shape key public policies. It was essential to protect indigenous workers from unacceptable forms of work – often in the informal economy – and to include them in the implementation of the Decent Work Agenda. Due diligence processes should include respect for indigenous peoples' rights. In particular, the EU was committed to the empowerment of women and girls and welcomed the ILO's proposals for relevant interventions. It supported the ILO's initiative to step up its efforts and reinforce its role to promote indigenous peoples' access to inclusive and sustainable development.
- 461.** *A Government representative of Mexico* said that the following countries aligned themselves with the statement: Argentina, Plurinational State of Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Peru, Spain and Bolivarian Republic of Venezuela. He supported the strategy presented by the Office. ILO support towards implementation should be tailored to the conditions in each country. A solid knowledge base was crucial in taking informed decisions and the ILO should promote the development and consolidation of national capacity to collect and analyse data. ILO activities funded with extra-budgetary resources should be aligned with its strategic priorities and coordinated under an effective, transparent and inclusive system of governance. He supported the draft decision.
- 462.** *A Government representative of Norway* urged other member States to ratify Convention No. 169 and highlighted some aspects of Norway's experience. The Sami parliament was

the representative political body for the Sami people, the indigenous people of Norway. The Sami parliament and the Government agreed on procedures on how to carry out consultations in accordance with Article 6 of Convention No. 169. Government authorities were also obliged to consult with other Sami interest groups. Consultations had enabled the Sami parliament to strengthen its position as a representative voice for the Sami people and had also enhanced dialogue and awareness of Sami issues among the authorities. The Finnmark Act, adopted in accordance with Part II of the Convention, recognized that the Sami people and others had acquired rights to land and natural resources, and established a special commission to map those rights. She supported the draft decision.

- 463.** *A Government representative of Botswana* said that most of the people in African countries were indigenous and tribal peoples, with different levels of development. Traditional livelihood methods were not sufficient to prevent abject poverty. A lack of integration and empowerment required a multifaceted approach, based on education, knowledge-sharing and participatory interventions, to enable indigenous people to use traditional knowledge to support sustainable livelihoods. He welcomed the focus on new income-generating activities and supported the draft decision.
- 464.** *A Government representative of the Russian Federation* highlighted her country's experience. Its legal provisions protected the quality of life of indigenous peoples, established a special legal status for them and allowed them to maintain their traditions. The development of indigenous peoples was reflected in a number of major strategic and conceptual documents. One included measures relating to, among other things, improving quality of life, preserving cultural heritage and developing cooperation among indigenous peoples. Budgetary provisions to support state policies on indigenous peoples were made available to administrative areas. An independent institution for indigenous peoples' rights had been created and, in 2015, a federal body focusing on issues of ethnic groups was established. She supported the strategy for ILO action.
- 465.** *A Government representative of Colombia* said that her Government had established an organizational structure that promoted and guaranteed the participation of ethnic communities in government decisions that directly affected the integrity of their territory, identity and autonomy. To that end, there was a large body of legislation and jurisprudence. The Government had set up a process of prior consultation regarding plans for the exploration or exploitation of natural resources on indigenous territories. In practice, consultation processes led to agreements in most cases. Consultation with and participation of indigenous and tribal peoples were crucial for enhancing policy coherence, reconciling different interests, achieving agreements and creating favourable environments for development. A standing consultation committee had been set up to allow indigenous peoples to consult with the State on all administrative and legal decisions likely to affect them. She supported the draft decision.
- 466.** *A Government representative of Argentina* said that it was governments' responsibility to take, with the participation of indigenous peoples, coordinated action to protect the rights of indigenous peoples. An active policy to increase the number of ratifications of the Convention was called for. Argentina's Constitution and the act ratifying Convention No. 169 recognized indigenous peoples' rights and the council for indigenous participation, together with the indigenous territorial organizations, had sought the adoption of three fundamental laws. The Code of Civil and Commercial Procedure provided for tools to enforce indigenous peoples' constitutional rights. Argentina's experience could contribute to the strategy for ILO action. In the light of the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, the ILO was requested to include activities to protect indigenous workers. He supported the draft decision.

- 467.** *A Government representative of Mexico* highlighted the relevance of ILO work in light of the SDGs and supported the general thrust of the strategy and the need for inclusive dialogue. Mexico's National Development Plan 2013–18 contained actions to help harmonize the national legal framework regarding indigenous rights; recognize and protect indigenous cultural heritage; promote the participation of indigenous peoples in planning and managing the development of their communities; promote their economic development; and promote action to guarantee the human rights of nomadic indigenous groups. The Office should facilitate the sharing of national experiences. In Mexico the guiding principles of the Convention had led to successfully developing mechanisms to ensure consultation with indigenous peoples. Mexico was prepared to share its experiences to strengthen the strategy for ILO action. He supported the draft decision.
- 468.** *A representative of the Director-General* (Director, Conditions of Work and Equality Department) noted the tripartite support for the ILO's work in the area and thanked the Governments for sharing their practical experiences. She welcomed the requests to strengthen the Office's work, to collect and disseminate good practices and improve communications strategies, with the involvement of the tripartite constituents. While the UN system increasingly relied on the UNDRIP as an overarching framework, it was indeed important for the ILO to emphasize Convention No. 169. In the context of the UN Indigenous Peoples' Partnership (UNIPP), the ILO had successfully worked with other UN agencies to give practical effect to the human rights of indigenous peoples. The UNIPP relied on both the UNDRIP and Convention No. 169, seeking to promote coherence. Both instruments promoted consultations with a view to achieving agreement or consent. The programme and budget proposals for the following biennium anticipated a number of actions relating to indigenous peoples including in connection with protection from unacceptable forms of work and informal work. In addition, as called for in the draft decision, the Office would seek to mobilize extra-budgetary funds.
- 469.** *The Employer spokesperson* hoped that a detailed action plan setting out the allocation of resources would be available at the Governing Body session in March. He called on potential donors to support the strategy.
- 470.** *The Worker spokesperson* said that her group did not see a need to review the Handbook at that juncture. Multiple ways of disseminating information should be considered. There was no need to restrict the definition of consultation with indigenous groups. One of the most frequent complaints regarding the implementation of the Convention was the lack of proper dialogue. Work should now be allowed to develop and a review of the strategy could take place at a later stage.

## **Decision**

### **471. The Governing Body:**

- (a) advised the Office on how to modify, improve or complement the strategy for ILO action concerning indigenous and tribal peoples; and*
- (b) requested the Director-General to take into consideration the strategy and the guidance given in the discussion in the implementation of the Programme and Budget for 2016–17, in preparing the next strategic framework and future programme and budget proposals, and in facilitating extra-budgetary resources.*

(GB.325/POL/2, paragraph 29.)

## Third item on the agenda

### Outcome of the Tripartite Meeting of Experts on Sustainable Development, Decent Work and Green Jobs (GB.325/POL/3)

- 472.** *The Worker spokesperson* commended the work done by the experts on the Guidelines for a just transition towards environmentally sustainable economies and societies for all. The Office should play an active role in discussions and in shaping the outcome of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) in Paris (30 November–11 December 2015). At the COP21, the Director-General should highlight the importance of the Guidelines for implementation of the expected climate agreement in advance of its adoption. The Office should proactively promote the Guidelines also in relation to the 2030 Agenda for Sustainable Development and further to an eventual climate agreement. Her group had been calling for the development of an instrument on a just transition with a view to sustainable development and viewed the Guidelines as a first step towards such a standard. The Guidelines reflected guidance provided by the 2013 ILC Conclusions on achieving decent work, green jobs and sustainable development (2013 Conclusions). They should be implemented in light of the relevant labour standards mentioned in the Annex and of Recommendation No. 204. In giving practical effect to the Guidelines, she stressed the importance of workers' and employers' organizations as agents of change and the need to involve them at all stages of the implementation and in capacity building. She supported a review in 2018 of lessons learned following the application of the Guidelines. Her group supported the draft decision
- 473.** *The Employer spokesperson* noted that the Guidelines respected the mandate set out by the 2013 conclusions and had been agreed upon through due consultation. During implementation of the Guidelines, the specific circumstances and capacities of each country must be borne in mind; a policy balance between the social, economic and environmental dimensions must be found; existing industries must be protected, to the extent possible, in the transition to environmentally sustainable economies; and the impact of the transition on employees must be considered. An enabling environment for sustainable enterprises was essential. A just transition was one that also drove enterprise growth. Workers and employers shared many objectives, including minimizing disruption and maintaining and improving sustainable enterprises, jobs and economies. Labour markets must be flexible enough to allow employers to undergo transition without unnecessarily destroying their capital and their capacity to employ workers. The international labour standards and resolutions annexed to the Guidelines could be relevant to a just transition framework. However, it was important to avoid "reinventing the wheel" in reaching for new standards that would hinder ownership by stakeholders. He noted the timeliness of the Guidelines with a view to their consideration in the context of the 2030 SDA and the upcoming COP21. He urged that follow-up action should be programmed by the Office within its strategic planning. He called on the Office to design and provide technical support and capacity-building programmes, so that constituents could contribute effectively to implementation at the national level. His group requested information on the Office's resource mobilization strategy for implementation of the follow-up. He endorsed the draft decision.
- 474.** *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the outcome of the Meeting of Experts. She commended the Organization's work through the Green Jobs Initiative and highlighted the contribution to the Partnership for Action on Green Economy (PAGE), which identified the green economy as a vehicle for sustainable development and poverty eradication, and she welcomed the first global Academy on the Green Economy, organized by the Turin Centre in October 2014. Referring to paragraph 8

of the report which called for a dedicated resource mobilization strategy, she drew attention to former United Nations Secretary-General Kofi Annan's call for the international community to provide financial resources and technologies to help poorer countries adapt to the impacts of climate change and cut emissions by making a transition to a low-carbon future. Her group supported the draft decision.

- 475.** *Speaking on behalf of IMEC*, a Government representative of the United States said that the non-binding Guidelines offered a wide range of options for governments and social partners to consider. The 2013 conclusions considered decent work as essential for sustainable development, thus the Office had an important role to play in helping States to implement the decent work elements of the 2030 SDA and helping workers and enterprises to address the employment and labour-related aspects of climate change. While IMEC did not object to the experts' request that the Governing Body take note of the Guidelines, it was not in a position to endorse them as called for in the draft decision. The report, which had been issued only three days previously, required analysis by a wide range of government agencies given the breadth of topics covered in the guidelines. She therefore proposed that the word "endorse" should be deleted and replaced by "and" in the first paragraph of the draft decision.
- 476.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that Albania, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia aligned themselves with his statement. The EU supported the amendment proposed by IMEC. The Guidelines which provided clear direction for constituents and the Office, were in line with the Europe 2020 Strategy, the EU Member States' international commitments towards smart, inclusive and sustainable growth and were relevant in view of the forthcoming European Agenda for new skills and jobs. Transition to a green economy would require the anticipation of skill needs and targeted interventions to enable the workforce to adapt, taking into account the labour market implications of job creation (and loss) and the need for structural adjustments to avoid social inequalities. National curricula and training qualifications must be aligned with emerging labour market needs, and common standards for competences would be needed. The Sector Skills Alliances, adopted by the European Commission in 2015, would take green skills into account and might be useful to other governments. Welcoming the inclusion of social protection in the Guidelines, he recalled the importance of well-designed social protection and inclusion policies and systems, including floors, in facilitating transition to a green economy. He noted that the Guidelines could be used to support implementation of the 2030 SDA.
- 477.** *Speaking on behalf of GRULAC*, a Government representative of Mexico noted that the Guidelines took into account the principles included in the 2013 Conclusions and the three pillars of sustainable development. The prospects for South-South cooperation on issues such as climate change-resistant crops, biofuels, natural resource restoration and reforestation, areas directly related to the Guidelines, were promising. It was clear that the States who had participated in the relevant discussions had borne in mind their shared but differentiated responsibilities and varying capacities; solidarity among nations and willingness to engage in social dialogue would be essential during the implementation phase.
- 478.** *A Government representative of Cambodia* said that the Guidelines were in line with his Government's Rectangular Strategy for Growth, Employment, Equity and Efficiency, National Employment Policy 2015–25, DWCP 2011–15 and National Social Protection Strategy for the Poor and Vulnerable. With ILO assistance, Cambodia had been working to mainstream green jobs into the economy, particularly the tourist sector.
- 479.** *A Government representative of the Russian Federation* said that to ensure sustainable development and social stability, her country had prioritized reducing labour market tension,

optimizing staff numbers, increasing effective employment and helping small and medium-sized businesses. She detailed some measures taken to stabilize the labour market and reduce unemployment. Measures had also been taken to ensure that workers could receive payments when their employers went bankrupt, in line with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173).

- 480.** *A Government representative of Mexico* highlighted the relevance of the Guidelines for the achievement of the SDGs. Coherent economic, social and environmental policies and a clear action framework were needed for the transition to the green economy to be successful. His Government noted with interest the importance given in the Guidelines to policy coherence and was committed to drawing up public policies that promoted environmentally sustainable economies and societies. Mexico's intersectoral committee on climate change was promoting cooperation between the public, social and private sectors in relation to green jobs and related topics. His country was committed to boosting inclusive economic growth that preserved its natural resources while generating wealth, competition, decent work and green jobs. He supported the draft decision.
- 481.** *A Government representative of Kenya* said that culture and traditions needed to be handled with sensitivity, particularly when greening initiatives changed people's ways of life. Those affected needed to be offered win-win options through open consultation, participation and inclusion in structured dialogue. Integration with existing projects and programmes was critical. The informal economy also needed to be handled carefully. Investment in obsolete technology could be avoided through knowledge management and the dissemination of international best practices. Macroeconomic and growth policies, aligned with active labour market dynamics, must be effective drivers for mainstreaming green economies. He supported the draft decision.
- 482.** *A Government representative of Zimbabwe* noted with satisfaction that the guiding principles set out in the Guidelines acknowledged the need for social dialogue and for policies that respected and promoted fundamental principles and rights at work. He supported the original draft decision, stressing the importance of the word "endorse".
- 483.** *A Government representative of China* said that his country had recently adopted a five-year plan for national economic and social development which put forward the concept of green development. A regional seminar on green jobs had been held by the Ministry of Labour and Social Security and the ILO Country Office for China and Mongolia, at which Asian countries had exchanged national practices and lessons learned on transitioning to green economies and generating green jobs. He looked forward to cooperating with the ILO to put into effect the relevant parts of the Guidelines.
- 484.** *A representative of the Director-General* (Director, Enterprises Department) was reassured and encouraged by the Governing Body's observations. Policy coherence had been a main concern because it had been an obstacle to sustainable development in the past. Acknowledging the need for the Guidelines to be applied within specific national contexts, he hoped that the work being done by the Office in the context of ACI 4 and of PAGE met the expectations of constituents. Regarding resource mobilization, efforts to complement the regular budget with extra-budgetary resources had borne some fruit and would be pursued. The Director-General was to attend COP21 and a number of side events were scheduled that would focus on the mandate and concerns of the ILO, including the question of skills.
- 485.** *The Worker spokesperson* suggested a subamendment to the amendment proposed by IMEC. The Meeting of Experts had done a good job in developing the Guidelines, and the Governing Body had to make sure that they were available, given some authority and used.
- 486.** *The Employer spokesperson* supported the view of the Worker spokesperson.

487. *Speaking on behalf of Canada, Denmark, Finland, Netherlands, Norway, Sweden and the United Kingdom*, a Government representative of the United States also supported the proposal made by the Worker spokesperson.
488. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe supported the original draft decision.
489. *A Government representative of Brazil* said that the recommendations made by the Meeting of Experts were still valid, even if they were not explicitly mentioned in the draft decision. It was his understanding that the Guidelines were more than just a “basis” for a final product.
490. *The Worker spokesperson* said that her group was not proposing that the Guidelines should be changed in any way. The phrase “take note of the outcome of the Tripartite Meeting of Experts” covered not only the Guidelines but also all the other recommendations made by the Meeting of Experts.
491. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe was concerned that removal of the word “endorse” would mean that the outcome of the Meeting of Experts would not have the intended consequences.
492. *The Worker spokesperson* said that it was her understanding that the word “endorse” was not typically used by the ILO in the context of guidelines. Some governments had not yet had the opportunity to discuss across ministries the Guidelines. Nonetheless, they had to be given “status” and the support of governments had to be secured. The aim of the proposed amendment to paragraph (b) was to clarify what was expected of the Office.
493. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe reluctantly accepted the removal of the word “endorse”.

## **Decision**

### **494. The Governing Body:**

- (a) took note of the outcome of the Tripartite Meeting of Experts and the Guidelines for a just transition towards environmentally sustainable economies and societies for all, and authorized the Director-General to publish the conclusions of the Meeting;*
- (b) requested the Director-General to use the Guidelines for a just transition towards environmentally sustainable economies and societies for all as a basis for activities and outreach and to include the recommended follow-up action in the implementation of the Programme and Budget for 2016–17; in the development and implementation of the Green Initiative; in the development of the strategic plan for 2018–21; and in the resource mobilization strategy of the Office; and*
- (c) requested the Director-General to take the Guidelines into consideration within the context of future discussions on the 2030 Agenda for Sustainable Development and the implications of the expected Climate Agreement in December 2015.*

(GB.325/POL/3, paragraph 9, as amended by the Governing Body.)



## Social Dialogue Segment

### Fourth item on the agenda

#### Area of critical importance: Strengthening workplace compliance through labour inspection (GB.325/POL/4)

- 495.** *The Worker spokesperson* recalled that almost 2.3 million workers died each year from occupational accidents or diseases. The Workers were extremely concerned that working conditions were continuing to deteriorate. Labour inspectorates played a major role in ensuring the implementation of labour law, but their influence was being diminished in many countries. The independence of labour inspectorates was a sine qua non and inspectors must be protected from interference by enterprises and the executive and judicial powers. Some governments were making significant cuts to labour inspection budgets, and there was a risk that inspectors could become susceptible to corruption because of low pay or would move to the private sector after training. Other inspectorates were restricted to acting only on issues of occupational health and not working conditions. Significant investments were therefore needed to increase the scope and quality of inspections. Moreover, training of inspectors should be strengthened to enable them to identify questionable practices including regarding the employment relationship.
- 496.** The Workers supported the recommendations concerning the overall strategy, as well as the sectoral approach tailored to different sectors or regions, provided it did not compromise the coherence of the ILO's projects. Training materials should be made accessible to as many countries as possible during the third phase of the ACI, and good practices by the pilot countries should be widely disseminated and replicated. Tripartite discussions had resulted in positive outcomes and should therefore be encouraged at the national level and used for planification and validation of national level initiatives as part of the work on ACI 7. The Workers were highly critical of public-private initiatives for labour inspection, and requested the Office to provide rigorous assessments of such projects. Furthermore, the Office should assist countries in utilizing optimally financial and human resources for independent labour inspections. The emphasis in the strategy on labour inspection in SMEs in the informal economy was positive, but the strategy should extend to all SMEs. The lessons learned from ACI 7 should benefit the Office-wide strategy on labour inspection and more attention should be paid to financing and reinforcement of public labour inspection. Lastly, labour inspection should be one of the key elements of the discussion on decent work in global supply chains at the 105th Session (2016) of the International Labour Conference. The Workers' group supported the draft decision.
- 497.** *The Employer spokesperson* said that it was important to encourage a pragmatic approach that took account of the different challenges facing different countries. Exchange of best practices identified in the pilot phase would form a sound basis for ILO knowledge. However, limited resources intensified the need to provide pragmatic inspection services that were fit for purpose; that was particularly challenging in the informal economy. ILO work on compliance needed to receive stronger programming attention within the Office and should reflect employers' and workers' needs by making more effective use of ACTRAV and ACT/EMP and of the Turin Centre in capacity-building activities. While the Employers agreed that enforcement of labour law could not be delegated to the private sector, it did have a complementary role to play in areas such as training and advice on labour law, in cooperation with the social partners. Labour inspection was at the service of employers as

well as workers and ILO collaboration with the social partners was an important part of the proposals. ILO assistance should also focus on prevention through advice and guidance as well as enforcement and penalties.

- 498.** The Employers agreed on the need for labour inspectorates to modernize, by making greater use of technology and strategic planning and by keeping abreast of changes in the workplace; the private sector could provide support in that respect. Inspectors should ideally be considered helpful partners, and enforcement a last resort. The spokesperson noted the linkage with the document on the high-level evaluation on labour inspection systems, which underlined that well-defined outcomes and indicators were needed to ensure accountability, and that reliable indicators for strengthening labour inspectorates or demonstrating improvements in compliance should be rigorously specified. The Employers' group supported the draft decision.
- 499.** *Speaking on behalf of ASPAG*, a Government representative of the Republic of Korea welcomed the fact that efforts to strengthen labour inspection were reflected in outcome 7 of the Programme and Budget for 2016–17 and in three global flagship programmes. He particularly welcomed the focus of the strategy on SMEs and the informal economy; it should develop technological and regulatory mechanisms to facilitate compliance. He expressed the hope that the 2016 Conference discussion on decent work in global supply chains would be conducive to identifying compliance gaps. A forthcoming comparative study of compliance practices and innovation in labour administration would provide useful knowledge; however, small-scale ILO projects should provide guidance on developing national tools rather than benchmarking. Private accreditation, auditing or monitoring schemes should not be seen as replacements for public enforcement. His group encouraged the Office to enhance the capacity-building activities of the Turin Centre and to conduct further research on the supplementary roles of private compliance initiative. The group supported the draft decision.
- 500.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Serbia, Norway and the Republic of Moldova. He encouraged the ILO to continue its efforts, along with partners, to achieving effective occupational safety and health, which would contribute to the protection of rights at work, prevent abuses and promote economic and social development. The EU also had policies on compliance aiming at promoting occupational safety and health, improving national enforcement capacities and combating undeclared work. He welcomed the comprehensive approach to compliance strategies, taking account of resourcing and coordination between partners, since such an approach had proven most successful. He looked forward to the comparative studies on national compliance strategies and labour inspection practices, and agreed that increased investment was a prerequisite for both. Good practices were also exchanged between European labour inspectorates to improve efficiency. Furthermore, a joint ILO/EU project on occupational safety and health had produced interesting results. He welcomed the attention to workers in the informal economy, SMEs and vulnerable workers in strengthening ILO knowledge. Cooperation with the European Agency for Safety and Health at Work could assist the Office in streamlining its multiple toolkits and products. Finally, the outcomes of the recurrent discussion on labour protection adopted at the last session of the Conference must be taken into account in the ILO's future work in the area. Subject to the consideration of the aforesaid guidance, the group endorsed the draft decision.
- 501.** *A Government representative of Colombia* emphasized the fundamental role of labour inspection in guaranteeing decent work. ILO technical assistance had been paramount in strengthening labour inspection services in Colombia, and had led to a twofold increase in the number of labour inspectors; the drafting of labour guidelines and manuals to facilitate compliance with international labour standards; ongoing face-to-face and online training for labour inspectors; the development of an information system; and the strengthening of

measures, tools and training in occupational safety and health, particularly for the mining industry. She highlighted the outcome of tripartite efforts in Colombia and action to promote compliance with standards through social dialogue, especially with respect to freedom of association and collective bargaining. Colombia was sharing its experiences with other countries in the region, and looked forward to continuing to work closely with the ILO. It supported the draft decision.

- 502.** *Speaking on behalf of the Africa group*, a Government representative of Mali said that the Africa group encouraged the Office, as it embarked on the third phase of ACI 7, to share the lessons learned from the previous phases and, in particular, to disseminate the outcomes of the global knowledge-sharing workshop held in Turin in August 2015. The group also encouraged the Office to draw the attention of high-level decision-makers to the issue of workplace compliance through labour inspection. Highlighting the problems of coordination in the field that existed between headquarters, the country offices and regional offices, it called for more consultations with member States in deciding on priorities. It also drew attention to the fact that private accreditation initiatives should not be given preference over the work of labour inspection, and encouraged the social partners to participate in the third phase through ACTRAV and ACT/EMP. Noting the obstacles to implementation of ACI 7, especially the use of the term “compliance” in some languages, the Africa group invited the Office to do its utmost to overcome any obstacles. It supported the draft decision.
- 503.** *A Government representative of India* said that India believed that a universalized approach or strategy might not be the best approach. An exchange of best practices between countries might be more appropriate in disseminating knowledge and strengthening labour compliance. He noted progress made in developing policy briefs on labour inspection, freedom of association and social protection, and initiatives for taking into consideration country-specific needs and issues. Collective, continuous and dedicated efforts in strengthening labour administration and the labour inspection system and enhancing social dialogue would help towards better compliance. India therefore supported the draft decision.
- 504.** *A Government representative of Burkina Faso* shared the experience of Burkina Faso as a pilot country for ACI 7. The project had involved the labour administration and social partners at the enterprise level; it had focused on improving health and safety in enterprises in two key sectors, namely, mining and the informal economy, and on capacity building and improving social dialogue in the labour administration. Significant results had been achieved. The innovative approach of ACI 7 had fostered greater awareness at the government, employer and worker level of the importance of workplace compliance, and heightened appreciation of the value of cooperation and partnerships between labour services and other institutions and with the social partners. Burkina Faso was convinced of the importance and relevance of ACI 7 and therefore supported the draft decision.
- 505.** *A Government representative of Japan* supported the proposal to promote strengthening workplace compliance through labour inspection, which was essential to achieving decent work for all, including in SMEs and the informal economy. Noting that many countries faced human and financial resource problems in increasing inspector numbers, he suggested that the workload of labour inspectors could be reduced by developing other policy methods such as collective instruction on occupational safety and health and the management of individual labour dispute mediation.
- 506.** *A Government representative of Mexico* said that Mexico anticipated that the ILO’s forthcoming publication of a comparative analysis of labour inspection practices to reduce undeclared employment in Latin America and Europe would provide important policy benchmarks for developing strategies to reduce informal employment. Mexico had proposed creating a bank of best practices on inspection as a platform to disseminate and share experiences and knowledge between Latin American countries, which was under

development and would complement ILO knowledge-building efforts. It had also introduced general regulations on labour inspection and occupational safety and health, and developed an inspection programme in 2015, which included strategies and guidelines drafted through tripartite and social consensus and incorporated the views and suggestions of employer and worker organizations, other organizations and experts, as well as the ILO. Mexico supported the draft decision.

- 507.** *A Government representative of China* said that China had introduced effective measures in response to labour inspection challenges, namely by: building the knowledge base; building institutional capacity; targeting labour inspection in SMEs; and enhancing the role of the social partners in labour inspection. It agreed that the preventive role of labour inspection and the importance of the role of the social partners and of cooperation between different departments must be emphasized. With ILO assistance, China had established a comprehensive, internationally recognized labour inspection network. It welcomed ILO comparative studies in that regard and would like to share its experiences with other countries. It also welcomed the ILO's study of the impact of new technologies on labour inspection. China endorsed the draft decision.
- 508.** *A Government representative of the Russian Federation* commended the ACI 7 strategy for reflecting ILO priorities in resolving labour inspection issues and ensuring compliance with standards, particularly in the area of the informal economy. The use of information technology in labour inspection was of particular interest to the Russian Federation, which had created an online inspection tool for employer and worker use. She expressed the hope that the ILO guides on the use of information technology in labour inspection and on occupational accidents and diseases, as well as other documents and online publications on its work in labour inspection and ensuring workplace compliance would soon be available in Russian, which was an official ILO language. The ability to consult ILO publications in Russian would help efforts to bring national legislation and practices into line with ILO recommendations and standards.
- 509.** *A Government representative of Zimbabwe* said that inspection of occupational safety and health and labour inspection generally were critical to ensuring harmonious labour relations and decent working conditions. Labour ministries in most developing countries lacked sufficient support in exercising those functions. The inclusion of the informal economy in inspection services was essential to the transition to formality. He therefore called on the ILO to increase its material and financial support to developing countries and so enable them to enhance decent work through labour and factory inspection; to provide them with technical assistance in order to improve the inspection function; and to assist in strengthening legislation. Zimbabwe supported the draft decision.
- 510.** *A representative of the Director-General (Deputy Director-General for Policy)* said she was pleased that the piloting of the new tools and strategies had been so widely appreciated and that workplace compliance through labour inspection would again be a top priority in the coming biennium. However, huge challenges remained, such as labour inspectorate understaffing, low pay and a lack of material and financial resources. The Office looked forward to working with the constituents to build the capacity and resources necessary for labour inspectorates to accomplish their role. In that regard, she reiterated the core principle that the enforcement of workplace compliance was the responsibility of governments. However, full compliance with labour laws, international labour standards, and healthy and safe workplace practices could not be achieved without the commitment of employers to compliance, or the involvement of workers in finding practical ways to achieve compliance and provide ongoing monitoring and engagement. In response to the Workers' suggestion that the focus should be on all SMEs, not only those in the informal economy, she emphasized that the focus of efforts was on SMEs in general and also on the informal economy, noting the increasingly widespread informalization of work in the formal sector.

With regard to the Employers' observation that efforts should focus on prevention as well as enforcement, she reiterated that the ILO considered that the task of labour inspectorates was to prevent non-compliance, hazards and disrespect for rights and, also, to enforce. It was important to strike a balance between positive and negative incentives and find a way of aligning the incentives facing the private sector. Thus, in all its work and advice, the ILO placed equal emphasis on prevention and enforcement.

- 511.** *A representative of the Director-General* (Director, Governance and Tripartism Department) said that the ILO's actions on ACI 7 demonstrated pragmatism; in pilot countries, local tripartite groups had determined the priorities for action, and good practices had been expanded to other countries which shared common features. In that connection, the West African Economic and Monetary Union Commission had undertaken to provide financial support for the dissemination of the good experiences from Burkina Faso. All ILO work on ACI 7 was guided by country offices and teams, to ensure that the Office's services were tailored to country contexts. Lastly, the meeting of economic and social councils mentioned in paragraph 15 of document GB.325/POL/4 had resulted in a declaration on workplace compliance, including supply chain compliance, which represented an important step forward.

## **Decision**

- 512.** *The Governing Body requested the Director-General to take account of its guidance in further implementing the strategy for the ACI on "Strengthening workplace compliance through labour inspection", and in the implementation of outcome 7 of the Programme and Budget for 2016–17 on "Promoting workplace compliance through labour inspection".*

(GB.325/POL/4, paragraph 32.)

## **Fifth item on the agenda**

### **Sectoral meetings in 2015 and 2016**

(GB.325/POL/5)

- 513.** *The Employer spokesperson* said that the Employers' group supported the draft decision.
- 514.** *The Worker spokesperson* underscored the importance of following up on the points of consensus and the recommendations for action adopted by the Global Dialogue Forum for the retail commerce sector. The report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) on its 12th Session (CEART/12/2015/14) illustrated clearly how the profession and teachers' work-related rights were being undermined and he asked for the report to be promoted. It also indicated the continuing relevance in 2015 of the principles underlying the ILO–UNESCO Recommendation concerning the Status of Teachers, 1966, and the ILO–UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997. The Workers' group supported the draft decision.
- 515.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho, requested clarification regarding the selection criteria for the participation of governments in the proposed Meeting of Experts to Adopt Policy Guidelines for the Promotion of Sustainable Rural Livelihoods Targeting the Agro-food Sectors, as the usual consultative principles had not been followed. The Africa group supported the draft decision.

- 516.** *A Government representative of Brazil* seconded the Africa group's request for clarification.
- 517.** *A representative of the Director-General* (Director, Sectoral Policies Department) explained that the Employers' and Workers' groups and regional coordinators were usually consulted as part of the country selection process for participation in sectoral meetings. The Office would investigate the specific case cited.

## **Decision**

**518. *The Governing Body:***

- (a) took note of the reports of the two meetings referred to in section I of document GB.325/POL/5;*
- (b) forwarded the report of the 12th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), along with any observations made by the Governing Body, to the International Labour Conference at its 105th Session (June 2016) for examination in the first instance by the Committee on the Application of Standards;*
- (c) requested the Director-General to communicate the CEART report to the governments of member States, along with any observations made by the Governing Body, requesting them to communicate the texts to the relevant employers' and workers' organizations, as well as communicate the reports to relevant intergovernmental and international non-governmental organizations;*
- (d) requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the Global Dialogue Forum and the CEART, where appropriate in consultation with the Director-General of UNESCO; and*
- (e) endorsed the proposals made in paragraphs 11 and 12 of document GB.325/POL/5 with regard to the Meeting of Experts to adopt a draft revised code of practice on safety and health in ports, in addition to the proposals contained in the table appended to the document relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

(GB.325/POL/5, paragraph 13.)

## Development Cooperation Segment

### Sixth item on the agenda

#### ILO Development Cooperation

#### Strategy 2015–17

(GB.325/POL/6)

- 519.** *The Worker spokesperson* said that, in light of the outcomes of the Third International Conference on Financing for Development and the 2030 Agenda for Sustainable Development, the ILO had a unique opportunity to incorporate international standards, employment, social protection and social dialogue into the 2030 Agenda at the policy and operational levels; to support the promotion of decent work in its member States through a rights-based approach and tripartism, in cooperation with other development stakeholders, including ministers of finance, central banks and macroeconomic policy-makers; and to expand its partnerships and exercise its authority at the international level to promote decent work, not only through SDG 8 but also through the many targets associated with the other Goals.
- 520.** The Organization's tripartite structure would allow it to influence implementation of the 2030 Agenda at the national, subregional and regional levels through genuine social dialogue. Paragraph 10 of the updated Development Cooperation Strategy 2015–17 should therefore include trade unions in the context of multi-stakeholder partnerships. Workers were in urgent need of capacity development so that their trade unions could influence national policies and monitor progress towards the SDGs.
- 521.** In terms of focus, the first of the four building blocks of the Strategy, the SDGs and the Organization's outcomes and priorities, including international labour standards, needed to be aligned. The ILO needed to be strategic in influencing the SDGs and promote its Decent Work Agenda. His group reiterated its call for a more balanced distribution of resources among the strategic objectives of the ILO and in its partnerships, including those under United Nations Development Assistance Frameworks (UNDAFs). Each Global Flagship Programme should include a capacity-building component for workers and employers. With a view to improving effectiveness, the second building block, technical cooperation projects should not only be managed in a decentralized way but incorporate the concept of networking. The International Training Centre of the ILO in Turin (Turin Centre) should offer a comprehensive programme on development cooperation for constituents and ILO staff. Regarding the third building block on capacity development, the Turin Centre should play a key role in implementing the decisions of the Governing Body taken in March 2013 related to bipartite and tripartite capacity building of constituents. The South–South and triangular cooperation strategy should be strengthened. With regard to resource mobilization, the fourth building block, long-term partnership agreements should be supported. Public–private partnerships must follow the procedure established by the Governing Body and should not lead to privatization of technical cooperation programmes. It would be important to evaluate the Strategy at regular intervals.
- 522.** *The Employer spokesperson* said that the updated Strategy failed to take into account some of the key recommendations from evaluation of the ILO's Technical Cooperation Strategy 2010–15. In particular, DWCPs remained aspirational documents, and the Office had not fully integrated technical, organizational and institutional competence, especially in the delivery of programmes.

- 523.** ILO strategies and activities must be tailored to reflect the 2030 Agenda; for example, capacity development for constituents was a prerequisite for participation in national policy-making. Capacity-building programmes should be adequately resourced and developed in consultation with ACT/EMP and ACTRAV. Her group supported the four building blocks of the Strategy but called for greater coordination with the Turin Centre and mobilization of resources for capacity development.
- 524.** Regarding paragraph 5, her group believed that without jobs no international labour standard could be applied, and it therefore preferred the wording of paragraph 34. The ILO should make better use of its comparative advantages, including its tripartite constituency, while maintaining an integrated approach to all aspects of decent work. In light of the decline in donor funding, the Organization should focus more closely on public–private partnerships, domestic resource mobilization, and measures to increase foreign direct investment, migrant remittances and other funding sources. Multi-stakeholder partnerships and South–South and triangular cooperation should be strengthened, and there should be proper mechanisms for operational monitoring and reporting.
- 525.** *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania said that the 2030 Agenda and the Addis Ababa Action Agenda fairly reflected the issues set out in the Decent Work Agenda, whose objectives could be attained through the Development Cooperation Strategy. Since capacity development, the inclusion of member States and the social partners, and the staffing of ILO country offices were also essential in that regard, the Director-General should take up the challenges to operationalization of reforms in the areas of human resources and the field office structure and to implementation of regional initiatives. The African countries looked forward to the outcomes of the 13th African Regional Meeting of the ILO (Addis Ababa, 30 November–3 December 2015).
- 526.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said that the central position of decent work in the 2030 Agenda for Sustainable Development necessitated a review of the ILO’s approach to conducting its development cooperation activities. The challenges facing middle-income countries were of particular concern to GRULAC and had been clearly identified in the Addis Ababa Action Agenda. As noted in paragraph 23 of the updated Strategy, cooperation must be driven by constituents’ needs. National capacities to collect statistical data on labour matters must be developed, with a view to facilitating constituents’ participation in informed policy-making and reporting processes. His group maintained that data collection by individual countries was a better alternative to independent data collection by the Office.
- 527.** The Office should continue to implement and expand its South–South and triangular cooperation strategy and, in that connection, should continue to exchange good practices and form alliances. His group would also like to receive any updates to the baseline figures pertaining to the resource mobilization targets included in Appendix I. The Office should consider inviting representatives of the permanent missions of recipient countries to contribute to revision and improvement of the ILO’s development cooperation. Moreover, the graphs and tables comprising Appendix II should be revised in the light of the new information provided in the updated Strategy. It would be useful to include a graph showing how extra-budgetary funding related to the ILO’s regular budget, and to include information on a broader range of contributors.
- 528.** *Speaking on behalf of IMEC*, a Government representative of Italy welcomed the Office’s efforts to align its development cooperation activities more closely with its Strategic Policy Framework and encouraged it to create clearer links between development results, resource mobilization, stakeholders’ roles and available funding, drawing on the practices of other organizations with structured financing dialogues. He requested more information on the



evaluation of the Technical Cooperation Strategy 2010–15, to enable constituents to assess its impact, and an update on the creation of the fund for kick-starting and coordinating responses to fragility and special situations mentioned in Appendix I, table 1. While IMEC did not consider emergency relief to be part of the ILO's core mandate, it appreciated the attention paid by the Office to phenomena such as mass movements of migrants and refugees. The ILO could play an important role in addressing the employment-related aspect of those phenomena.

- 529.** IMEC welcomed the ILO's increased cooperation with the Turin Centre and considered that capacity development activities should go hand in hand with the ILO's decentralization policy, which should take account of the need for straightforward procedures for fund allocation. The ILO should also adopt a more holistic approach to capacity development, focusing not only on training but also on institution building. IMEC welcomed the Office's ambition to assume a more active role in multi-stakeholder partnerships. Given the catalytic role of official development assistance (ODA), the ILO should seek national contributions and public-private partnerships in middle-income countries. In developing countries, the role of ODA would be more important. IMEC would also like to receive more detailed information about the impact of the ILO reform on its Development Cooperation Strategy. The ILO should use the SDGs to link its ten new policy outcomes to related flagship programmes.
- 530.** *A Government representative of Trinidad and Tobago* said that, given the rapid pace of global discussions and development activities, and the anticipated shift in focus towards decent work, the ILO should remain steadfast in its commitment to the principles enshrined in the Decent Work Agenda. Furthermore, notwithstanding the need to enter into and maintain multi-stakeholder partnerships, doing so should in no way diminish the tripartite relationship that characterized the ILO.
- 531.** *A Government representative of Colombia* noted that the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development both referred to the commitment made to the ILO's Global Jobs Pact. Her country recognized the importance of South-South and triangular cooperation and had exchanged good practices and collaborated with other countries in the region. The Office should continue implementing its policy of decentralizing development cooperation responsibilities and, in so doing, increase the number of technical cooperation projects in partnership with the ILO Regional Office for Latin America and the Caribbean. The tripartite constituents should be kept abreast of the different development cooperation projects under way and of any difficulties affecting their implementation.
- 532.** *Speaking on behalf of ASPAG*, a Government representative of India said that the ILO's Development Cooperation Strategy should pay special attention to SDG 8 on decent work. There would be high expectations for the ILO to deliver results, so it should continue to build its capacity and strengthen cooperation with all relevant stakeholders. His group reiterated the importance of country ownership, constituent involvement, transparency, improved reporting and a balanced approach to allocating resources in the updated Strategy. In view of the fact that the SDG target related to youth employment was to be achieved by 2020, the Strategy should give priority to knowledge and skills development and bridging programmes for young people. The ILO should accelerate the development and implementation of a global strategy for youth employment, and the issue of youth employment should be integrated into all flagship programmes to be designed by the end of 2015. The ILO should also seek to consolidate and diversify its partnership and resource base.
- 533.** *A Government representative of the United Kingdom* said that the best route out of poverty was through employment creation, growth promotion and decent work. He agreed with the four building blocks of the Development Cooperation Strategy, attached special importance

to that of “focus” and would welcome even further consolidation of Office initiatives, strategies and programmes. The promotion and protection of human rights was the key to economic and social development, and human rights should therefore feature more prominently in the Strategy. Multi-stakeholder partnerships had an important role to play in the delivery of development activities, so the ILO should take as broad an approach as possible to development partnerships under its mandate and ensure national ownership of development activities. When devising development policies, greater consideration should also be given to the spending choices facing governments and to the need to demonstrate value for money.

- 534.** *A Government representative of Bangladesh* said that the Strategy should be further updated following the 21st session of the COP21. The Strategy should also address emerging challenges, such as mass movements of migrants and the adverse impact of climate change on employment. The Strategy would be more cost-effective if it made more use of national expertise and systems in the delivery of development activities. North–South cooperation could also play a significant role in promoting the ILO’s Decent Work Agenda.
- 535.** *A Government representative of India* said that alignment of the Development Cooperation Strategy with the 2030 Agenda for Sustainable Development, national development plans and UNDAFs would give greater impetus to the Decent Work Agenda. The Office should make more use of national expertise, with a view to tailoring the Strategy to the diverse situations in ILO member States. ILO regional and country offices could assist in informal consultations with stakeholders to identify region-specific problems and opportunities as well as constituents’ priorities. It was also necessary to meet quality requirements and ensure value for money. His Government welcomed the various combinations of funding, including South–South and triangular cooperation. Funds should be allocated based on the development needs of all member States, and programmes should cater to the needs of OECD and non-OECD members alike. The ILO should also explore additional innovative funding methods. Mainstreaming the Decent Work Agenda should remain the foremost priority for development cooperation.
- 536.** *A Government representative of Japan* said that the ILO’s current approach to DWCPs did not seem to be adequate because it did not consider the policy decision-making process of each country. The ILO’s staff capacity for determining those processes should be strengthened. He hoped that the current problem could be addressed by increased cooperation and close consultation between the Office, the Governing Body and donor countries.
- 537.** *A representative of the Director-General* (Director, Partnerships and Field Support Department) said that all UNDAFs contained aspects of the Decent Work Agenda. The ILO had allocated resources to support South–South and triangular cooperation. Regional priorities would need to be encouraged, and work was under way to improve the DWCPs. There were more than 243 public–private partnership agreements, exemplifying the efforts being made to diversify the actors collaborating with the ILO. Tripartism, the active participation of workers, employers and governments, was the comparative advantage of the ILO and its development cooperation. The unique opportunity presented by the inclusion of decent work in the 2030 Agenda had been initiated by the Governing Body in 2011, when it had requested the Office to promote the decent work agenda at all levels in collaboration with the constituents. Thanks to the constituents as well as the Group of Friends on Decent Work for Sustainable Development formed in New York, decent work for all had become a commitment of Heads of State and Government on which the ILO would collaborate.
- 538.** *A representative of the Director-General* (Deputy Director-General, Field Operations and Partnerships) said that the role of the Turin Centre would be strengthened in the context of the updated Strategy. Capacity development meant making sure that social partners were

well equipped to influence strategy choices when implementing the SDGs at the national level. Regarding the role of middle-income countries, the Office was working on a country typology as a follow-up to the field review. The Office appreciated the findings and lessons learned from the evaluation of technical cooperation. For instance, regarding the challenge of strengthening the ILO's presence on the ground, one of the lessons learned was to ensure that a project was handed over to the national level and not just shut down. An information session on development cooperation in Africa would be organized during the Africa Regional Meeting. How best to align the DWCP processes on development with UNDAFs was a challenging task that was already being tackled.

## Decision

### 539. *The Governing Body:*

- (a) *adopted the revised Development Cooperation Strategy 2015–17 and requested the Office to report on its implementation at its 329th Session (March 2017); and*
- (b) *requested the Office to take into account the guidance provided by the Governing Body on recent external developments (the Addis Ababa Agenda for Action and the 2030 Agenda for Sustainable Development) and on internal developments (the Programme and Budget for 2016–17, the evaluation of the Technical Cooperation Strategy 2010–15, and the ongoing internal reform) and their implications for the ILO Development Cooperation Programme in its continued implementation of the Development Cooperation Strategy 2015–17.*

(GB.325/POL/6, paragraph 37.)

## Seventh item on the agenda

### The ILO's global flagship programmes

(GB.325/POL/7)

- 540. *The Employer spokesperson* supported the intention to replace inconsistent, ad hoc national interventions with larger development cooperation programmes. There should have been more consultations and a broader focus. A robust programme to contribute to sustainable enterprises and capacity building for constituents should be part of the flagship programmes. ILO mobilization of resources for capacity and enterprise development would contribute to SDG 8. The mobility of skills in a globalizing world should also be considered for a flagship programme. While the flagship programmes could provide economies of scale, there should have been adequate informal consultations with the Employers' group. Private sector engagement should be an integral part of the design of the flagship programmes. It was unclear how the design of the programmes as a resource mobilization mechanism applied to the Better Work programme. Explicit and measurable components on capacity development of constituents were necessary if the programmes were to be effective.
- 541. *The Worker spokesperson* welcomed the flagship programmes. Constituents should have been consulted concerning their selection and the selection criteria, and consultations should be held in future. Integrated resource management and the balanced distribution of resources among the flagship programmes reflected the programme and budget outcomes and the four pillars of the Decent Work Agenda. The flagship programmes must contribute to building

the capacity and role of constituents and should all include a capacity-building component for the social partners. The purpose of development cooperation should be to drive the ratification and implementation of international labour standards. Each programme should include an integrated plan for such an implementation. Greater integration and transparency were necessary in the Better Work programme, with a greater promotion of industrial relations, as well as an emphasis on the Minimum Wage Fixing Convention, 1970 (No. 131), the Occupational Safety and Health Convention, 1981 (No. 155), and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). The fundamental principles and decent work were not sufficiently respected in the programme and enterprises should be selected with greater care. All fundamental labour standards should be referred to in IPEC+. Regarding the Occupational Safety and Health Global Action for Prevention (OSH-GAP) programme, the Labour Inspection Convention, 1947 (No. 81), Conventions Nos 87 and 98 and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), should be referred to. Programmes should not be limited to least developed countries. The Jobs for Peace and Resilience (JPR) programme should refer to the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The linkage between the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Social Protection Floor programme should be strengthened. Strong and representative employers' and workers' organizations should be a cross-cutting theme in all the programmes and the promotion of the MNE Declaration should be a goal in all the programmes. The draft decision suggested a report on the implementation of the flagship programmes, which was too little, too late. More frequent, detailed reports should be provided on each programme. He proposed an amendment to the draft decision concerning the creation of a tripartite advisory committee for each flagship programme at the national and global levels.

- 542.** *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania said that the effective involvement of member States and social partners in the design and implementation of the programmes was essential. The criteria for inclusion in the JPR programme should be extended to countries affected by climate change. The informal economy, social protection, youth unemployment, child labour and labour market governance were critical issues to Africa. He urged the Office to consider engaging the African Regional Coordinator to ensure that African countries were included in the implementation of the relevant programmes. He supported the “next steps” and the draft decision.
- 543.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that the Office had followed up on the recommendations from the ILO Field Operations and Structure and Technical Cooperation Review (the 2013 field review report). The flagship programmes should be monitored to check that they were effective in counteracting a trend of continued fragmentation of projects. Although the five proposed flagship programmes were explicitly linked to the 2030 Agenda for Sustainable Development, more attention should be given to multi-stakeholder partnerships. He requested further information on the institutional implications for the ILO. He asked how the flagship programmes related to the ILO's strategic plan and the programme and budget, how existing programmes would be phased out or reconfigured as recommended in the 2013 field review report, and whether there would be new flagship programmes after 2015. A possible expansion of programmes should occur where it was clear how the programme would fit with other priorities and initiatives. The Office was urged to invest in monitoring and evaluating in the design and inception phase of the flagship programmes.
- 544.** *A Government representative of the Republic of Korea* said that the flagship programmes would be a key tool in implementing the SDGs and the four pillars of the Decent Work Agenda. The flagship programmes did not seem to reflect the objective of employment

promotion for sustainable growth. The JPR programme should also support countries with structural problems in employment creation. The flagship programmes should be aligned with the DWCPs to become more effective, and should meet the specific needs of member States. The ILO should support small but innovative pilot programmes.

- 545.** *A Government representative of Ethiopia* said that Ethiopia was aiming to build a green economy because of its vulnerability to disasters induced by climate change. He welcomed the JPR programme and encouraged the Office to create a proper linkage between the programme and the ILO's Green Jobs Programme. The impact of conflicts or disasters was not limited to countries of origin. Cross-border displacement had a socio-economic impact on host countries and communities. He encouraged the ILO to expand the JPR programme to include countries hosting large numbers of displaced people.
- 546.** *A Government representative of France* welcomed the flagship programmes. France provided financial and material resources for four of the five flagship programmes: Better Work, IPEC+, OSH-GAP and the Social Protection Floor. Regarding OSH-GAP, he expressed support for the "Vision Zero Fund" proposed by the German Presidency of the G7.
- 547.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the flagship programmes were at the heart of the ILO's mandate and supported the four pillars of the Decent Work Agenda. The flagship programmes aligned with the SDGs and would contribute to the implementation of the 2030 Agenda for Sustainable Development. However, the design of the flagship programmes did not seem to take into account gender or vulnerable groups and more attention should be paid to the promotion of social dialogue. Support was expressed for larger programmes and multi-partner operations. Although project fragmentation should be avoided, smaller projects should continue, especially those involving innovation, demonstration, piloting, research and tailored activities. He sought clarification on the screening process of participating countries, including the selection criteria used, how the programmes were financed, what the share of assessed contributions was and how far country ownership was encouraged. Transparent and regular impact assessment and evaluation protocols were necessary. He supported the draft decision, provided that the EU's guidance was taken into consideration.
- 548.** *A Government representative of Zimbabwe* commended the Office for prioritizing child labour and forced labour. How would the Office ensure that all member States agreed to IPEC+? There had been a lack of support for some programme proposals made to IPEC, Zimbabwe being a case in point. While strong political will and well-designed and integrated policies were significant in the fight against child and forced labour, a leading role by the Office in ensuring support for national programmes was equally necessary.
- 549.** *A representative of the Director-General* (Deputy Director-General for Policy) said that it was important to bear in mind that the flagship programmes were funded using extra-budgetary funds and were in addition to the programmes funded by the regular budget. The extent to which programmes could be extended depended on whether additional resources could be mobilized. The selection criteria for countries to be considered for a programme included countries expressing an interest, ILO evaluation of whether a programme would be productive, whether the problem was a serious problem in the country, whether it had a high priority in the country, the political will in the country, whether the country was ready for the programme and, ultimately, whether extra-budgetary funds were available. There would be tremendous demand for inclusion in the JPR programme, particularly from countries in situations of conflict or natural disasters. The Office would endeavour to mobilize resources from international financial institutions, other development banks and traditional donors, and the criteria would have to be met. The core strategic and

analytical functions and technical expertise of the flagship programmes would be placed under the relevant policy departments, but the related projects would be implemented at the country level. There would be some convergence between the flagship programmes and other ILO initiatives and priorities. The Organization could not satisfy the demand for work on labour inspection and compliance, not even in the critical area of occupational safety and health (OSH). The OSH-GAP programme would mobilize additional resources and should be viewed as an extension of the activities funded from the regular budget. Once the current flagship programmes had been firmly established in countries, it might be possible to develop additional ones. As to whether the JPR programme could include job creation, resource constraints had so far made it necessary to target the countries with the most extreme need. The suggestion that the programme should be offered to countries that were hosting large numbers of refugees from conflicts or disasters, while welcome, would also be dependent on resource mobilization. Owing to the word limits imposed on documents by the Governing Body, the gender and social dialogue components of the flagship programmes were not mentioned in the report. They were, however, present in the full documents and programmes; for example, the Better Work programme focused on the garment and footwear industries, in which the labour force was composed primarily of women, and took their needs into account in monitoring compliance with laws and standards. The amendment proposed by the Workers' group was feasible; a global tripartite advisory committee was already in place and work advisory committees had been established at the national level for the two programmes that were currently operational.

- 550.** *The Employer spokesperson* supported the draft decision with the amendment proposed.
- 551.** *A Government representative of Brazil* requested clarification of the proposed amendment. He wondered whether, if adopted, it would result in the establishment of national tripartite committees for each of the flagship programmes, which was not always the case with other ILO activities. He supported the goal of increasing ownership by constituents, particularly as the programme implementation report mentioned in the first paragraph of the draft decision would be submitted to the International Labour Conference rather than the Governing Body.
- 552.** *A Government representative of India* said that his delegation needed time to consider the proposed amendment, including its financial implications.
- 553.** *A representative of the Director-General* (Deputy Director-General for Policy) said that many, though not all, ILO programmes included tripartite committees at the national level. It was important not to divert resources from the ultimate beneficiaries. In countries with many different development cooperation projects, a single national oversight committee might be more efficient. However, since national committees might be useful in some cases where input from experts in a specific sector was needed, it might be better not to establish a firm rule on the matter.
- 554.** *The Worker spokesperson* said that his group did not wish to be dogmatic; its hope was that tripartite committees would be established at the national level in order to publicize ILO activities and give all parties concerned a role in their implementation.

## **Decision**

- 555.** *The Governing Body took note of the objectives and characteristics of the five flagship programmes presented in document GB.325/POL/7 and requested the Office:*

- (a) *to report on their implementation through the programme implementation report; and*
- (b) *to take into consideration the guidance provided by the Governing Body and to establish a tripartite advisory committee for each flagship programme at both the global and national levels.*

(GB.325/POL/7, paragraph 34, as amended by the Governing Body.)

## **Eighth item on the agenda**

### **Enhanced programme of development cooperation for the occupied Arab territories (GB.325/POL/8)**

- 556.** *The Employer spokesperson* said that the situation in the occupied Arab territories was not very positive given the stalling of the peace process and the delay in the formation of the Palestinian Government of National Consensus. Gross domestic product growth had declined and there were high levels of deprivation. She highlighted activities in Gaza, which prioritized livelihoods and emergency employment and skills development. She noted the launch of programmes to replace assets and subsidize private sector jobs to facilitate reconstruction, among other objectives. Those programmes provided necessary support to the ongoing work and implementation of the enhanced programme of development cooperation.
- 557.** *Another Employer spokesperson* added that he was grateful for the ILO's efforts and intervention through the enhanced programme of development cooperation. One of the obstacles to improving the situation was financing. In Gaza, tensions were increasing and there were high levels of frustration and despair. Donors had not kept their promises and budgetary deficits had accumulated. Consequently, the enhanced programme had not been able to fulfil its objectives. As long as the occupying forces continued their practices and violations of human rights and human dignity, the situation would remain the same. Decisive action was needed in order to restore peace, stability and coexistence in the region. He stressed the need to work together to improve people's lives. More financing was needed and the conclusions of the annual Report of the Director-General should be taken into account, along with the comments made by the Arab group regarding that Report. All constituents must participate in addressing the situation of workers of the occupied Arab territories.
- 558.** *The Worker spokesperson* welcomed the consultations put in place concerning the labour law reform and the establishment of the tripartite-plus working group. He asked which groups had participated in the working group and why it had not been a traditional tripartite group. Referring to the resolution adopted by the Conference in 2002 concerning tripartism and social dialogue, he said that tripartism-plus should not replace the role of workers' organizations. He requested information on which non-governmental organizations had been provided with ILO assistance and why the Office had not collaborated with constituents. He asked for more support for workers in Palestine and better access for workers' organizations from other countries. It was important to promote access to external markets in order to stimulate the economy and employment in the region. His group supported the internal review of the Palestinian Decent Work Programme (DWP) 2013–16. It further supported the recovery interventions in Gaza and asked for resources to be delivered as promised at the Cairo Conference of October 2014. More attention should be paid to the promotion of international labour standards, freedom of association and collective bargaining. His group

supported work on OSH and the promotion of ILO Conventions on OSH. The promotion of social security should go beyond the private sector and cover all Palestinians. The situation in the occupied Arab territories had sadly deteriorated and it would be difficult to implement sustainable development without peace.

- 559.** *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania said that the discussion was taking place at an opportune time following the adoption of the 2030 Agenda for Sustainable Development. The Palestinian people continued to face poverty and underdevelopment. The full realization of the Decent Work Agenda and the 2030 Agenda might therefore be in jeopardy. He appealed to donors to honour their commitments. He welcomed the ILO programme to train persons with disabilities and build the capacities of women, and urged the Office to continue in its efforts. The international community needed to assist the social partners in addressing deficits and building sustainable peace and tranquillity in the region. The Office should take into account the 2030 Agenda for Sustainable Development as the Palestinian people and those living in other occupied Arab territories deserved no less.
- 560.** *Speaking on behalf of ASPAG*, a Government representative of Jordan said that, in view of the high unemployment rates in the West Bank and Gaza, the DWP for 2013–16 had been right to allocate 62 per cent of resources to employment promotion. The Office should continue to support the Palestinian tripartite constituents, particularly in the areas of labour legislation, social security, small and medium-sized enterprises, the fisheries sector, non-governmental organizations, skills development for women, and developing cooperative principles. He urged the Office to continue providing seed funding for development cooperation programmes and appealed to donor countries to contribute to the DWP.
- 561.** *Speaking on behalf of the Arab group*, a Government representative of Sudan called on the Office to continue its efforts to alleviate the suffering of workers in the occupied Arab territories. The humanitarian crisis in Gaza and absence of economic perspectives increased pressure on Palestinians, who were largely excluded from work opportunities. There was a need to reinforce the DWP 2013–16, in view of the practices of the occupying forces and the consequent humiliations and limitations suffered by Palestinian workers. His group called on donors to fulfil their pledges to the ILO emergency response programme launched in February 2015, to make alleviation of the destruction in Gaza feasible. It also requested the Chairperson of the Governing Body to place an item on the situation of workers of the occupied Arab territories on the agenda of the 2016 session of the Conference, with a view to reactivating the role of the ILO and raising the necessary funding to strengthen social security.
- 562.** *A Government representative of Turkey* said that the international community should take action to stabilize the situation in the occupied Arab territories. Turkey had conducted a number of development projects in Gaza and the West Bank. He supported robust ILO engagement in the reconstruction of Gaza through the DWP and the emergency response programme. Ending the blockade and lifting all restrictions on Gaza should remain the main priority.
- 563.** *A representative of the Director-General* (Acting Regional Director for the Arab States) thanked the Governing Body members for their inputs, which would help shape further ILO interventions. The DWP had been developed in a tripartite context but required support from development partners for its implementation. The Government of Kuwait had provided valuable financial support but more resources were needed. The situation was particularly difficult in Gaza. Having entirely funded its 2015 emergency response programme from seed funding, the Office looked to donors for further assistance. The ILO's efforts on the ground were constrained by the tense political and security situations, and its limited financial



resources. It worked primarily with constituents, but had also developed partnerships with civil society organizations. Interventions were governed by a number of tripartite committees, indicating progress towards effective tripartism and social dialogue.

## **Outcome**

**564. *The Governing Body took note of the report contained in document GB.325/POL/8.***

(GB.325/POL/8.)

## **Multinational Enterprise Segment**

### **Ninth item on the agenda**

#### **Update on the implementation of the promotional framework and follow-up to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, including ILO collaboration with other intergovernmental and international organizations**

(GB.325/POL/9)

**565.** *The Worker spokesperson* said that action on the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the Declaration) should continue to be based on tripartite consultation. The Declaration had provided important guidance to the UN SDGs, Climate Conference and G20 discussions. The UN Guiding Principles on Business and Human Rights and the updated OECD Guidelines for multinational enterprises (MNEs) made it important for the ILO to update its Declaration so that its role could be strengthened in the future. ILO Regional Meetings were an important forum to promote the Declaration and to identify follow-up activities. The International Training Centre of the ILO in Turin played a significant role in capacity building for all three constituent groups. Country-specific support must involve ACTRAV and ACT/EMP in order to engage national tripartite stakeholders in all aspects of the Declaration's implementation. Further work was also needed to strengthen links with sectoral work and public-private partnerships. Moreover, dialogue between trade unions and MNEs should be promoted further and the Office should build on good practices. A cross-country discussion on multinationals at the upcoming International Conference of Labour Statisticians could be an important guide for the collection of socio-economic statistics. Also important was ongoing collaboration with other organizations to promote the MNE Declaration, to involve the constituents in these and to reinforce the ILO's role in the promotion of international labour standards.

**566.** The Workers further thanked the donors for their support and requested other governments to consider contributing. Member States should provide the Office with information on the implementation of the principles of the Declaration and on national tripartite cooperation. It was important to update the Declaration to eliminate barriers to its promotion and enhance its relevance, and to strengthen the ILO's role in relation to global supply chains. The matter could be placed on the agenda of the March 2016 session of the Governing Body. The goal should be to retain the best elements of the Declaration, thus strengthening the ILO's

leadership role in international labour standards, and to include a mechanism to address complaints or provide mediation. Consultations need to be organized to that effect. The Workers supported the draft decision and the amendment proposed by IMEC.

- 567.** *The Employer spokesperson* said that the Employers had consistently supported the Declaration, and welcomed the intensive promotional work of the past year. The Declaration's true strength was its tripartite nature: it reflected the fact that governments and social partners as well as companies had specific roles. It had the potential to unite actors to improve situations on the ground. Concrete country assistance – involving tripartite constituents with the support of ACT/EMP and ACTRAV – would demonstrate the Declaration's utility, and was the most effective way to promote it. The new capacity-building approach of the Turin Centre, including the e-learning tool, was welcome; ACT/EMP could usefully contribute, as its work in supporting employers and companies was closely related. Promotion of the Declaration at Regional Meetings had proven successful, and should continue. The ILO Helpdesk for Business on International Labour Standards had been extremely successful in providing the information necessary to implement the Declaration. The Office's follow-through of the implementation strategy was starting to bear fruit. Stronger policy coherence and coordination with other international organizations were needed when drafting business guidelines on social issues. The ILO had an exclusive mandate on social and employment issues; governments should ensure that funding for such projects went to the ILO.
- 568.** Referring to the Office document, the Employers disagreed that the Declaration was overly complex; it was less so than other equivalent instruments. Nor did they consider that the Declaration failed to fully capture the realities of globalization: on the contrary, its tripartite nature enabled it to respond better to the challenges posed by globalization than other instruments aimed only at companies. The Employers supported the draft decision and the amendment to be proposed by IMEC.
- 569.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands affirmed that the MNE Declaration could make an invaluable contribution to decent work and served as a point of reference when engaging with business. Capacity-building activities were targeted to constituents' needs; the ILO Helpdesk was crucial in identifying the needs of businesses; and the Turin Centre's capacity-building role could be expanded to support MNEs. Promotion of the Declaration should indeed be aligned with national development and decent work priorities. The ILO internal network of focal points was instrumental in providing country-level support and regional follow-up, and avoiding duplication. The Declaration should be mainstreamed throughout the Organization's work whenever that made sense. He requested further information about public-private partnerships in relation to the Declaration, asking whether they simply referenced the Declaration or whether some also focused on its implementation. In addition, he asked how awareness could be raised about the possibility for the ILO to facilitate company-union dialogue. Regional Meetings might be suitable forums to discuss implementation of the Declaration, taking account of regional specificities, and the participation of MNEs could enrich such discussions. Collaboration with other organizations was welcomed; the ILO, as the only tripartite multilateral organization, should lead discussions on the economic and social impact of MNEs. To ensure that that happened, a comprehensive tripartite discussion on external developments was needed, which should also encompass an assessment of the Declaration's relevance in order to determine whether it needed revision. The Conference discussion on decent work in global supply chains in 2016 would necessarily address the Declaration's strengths and weaknesses. Given the limited time available for that discussion, IMEC suggested working separately to analyse and possibly revise the Declaration in an accelerated manner. The group therefore proposed adding a new subparagraph to the draft decision, to read: "(c) requests the Office to propose modalities to review the MNE Declaration for decision by the March 2016 Governing Body".

- 570.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said that the Declaration was a pioneering instrument which should be implemented in coordination with other instruments and processes. He welcomed the ILO's collaboration with the United Nations Working Group on Business and Human Rights and involvement in discussions on a legally binding international instrument. The special session on the Declaration which had taken place during the American Regional Meeting had generated considerable interest. GRULAC looked forward to the Office paper on the current state of knowledge about the impacts of MNEs on development, and agreed that investment must support sustainable development and decent work. Given its strategic relevance for the 2030 Agenda for Sustainable Development, it was indeed worth considering revising the Declaration. GRULAC supported the draft decision, with IMEC's proposed amendment.
- 571.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia welcomed the promotional and capacity-building activities and looked forward to the finalization of the global resource kit. ILO country-level assistance on implementing the Declaration should be tailored to specific development priorities, sectors, country contexts and levels of development. The intervention models should be flexible and interact with Decent Work Country Programmes to avoid duplication. The ILO should strengthen its collaboration with other organizations to advance the ILO's business and human rights agenda in order to promote the Declaration through other organizations' work; enhance its standard-setting role and expertise by incorporating the Declaration into discussions on the principles and scope of a legally binding instrument on human rights, transnational corporations and other business enterprises; actively participate in the upcoming Fourth Annual Forum on Business and Human Rights; and promote the mainstreaming of the Declaration in national actions plans and policies and its use by multinational enterprises. The Africa group considered that the Declaration did not need to be revised, since other instruments could complement gaps within the MNE Declaration. However, if the Office was convinced that a revision was necessary, it should provide detailed information at the next Governing Body session. The group asked that its request be incorporated in the draft decision.
- 572.** *Speaking on behalf of ASPAG*, a Government representative of the Republic of Korea said that the group fully appreciated the progress made in the implementation strategy of the MNE Declaration as a very timely and indispensable contribution to the 2030 Agenda for Sustainable Development and the Enterprise initiative. He fully endorsed the ILO mandate in relation to MNEs; the Declaration must be robust, credible and relevant. He also welcomed the inclusion of the Declaration in the G20 Framework on Inclusive Business and the cooperation with other international organizations. His group would appreciate further details on the information-gathering mechanism. It invited the Office to disseminate, before the 2018 review of the implementation strategy, the findings of its preliminary paper assessing the current state of knowledge about the economic and social impacts of MNEs prepared for the 2018 International Conference of Labour Statisticians. The paper could also inform the discussion on revising the Declaration. ASPAG supported the draft decision, including IMEC's proposed amendment.
- 573.** *Speaking on behalf of the EU and its Member States*, a Government representative of the Netherlands said that the following countries aligned themselves with the statement: Turkey, Serbia, Albania and the Republic of Moldova. The group supported the statement made on behalf of IMEC. The EU strategy on corporate social responsibility and other European policies and frameworks strongly promoted the Declaration. EU sectoral social dialogue in the field of corporate social responsibility and the EU review of Europe-based companies' transnational company agreements could support development of the global resource kit. The e-learning module should be widely promoted. The Declaration should be reviewed in view of the 2030 Agenda for Sustainable Development, the due diligence concept and the need for reinforced cooperation with other organizations. It would be important to consider the outcome of the 2016 Conference discussion on decent work in global supply chains as

part of the review, but preparations should begin in advance of that discussion. He therefore supported the amendment proposed by IMEC.

- 574.** *A Government representative of Germany* said that the MNE Declaration was an important, necessary document that needed more international attention. To enhance its relevance and improve its implementation, it was important to revise and update it. During its presidency of the G7, Germany had emphasized stronger prevention, greater transparency and the need to improve complaint mechanisms to foster sustainable global supply chains, all of which were important considerations for the revision. The Declaration also provided a sound basis for practical measures. Its interpretation and dialogue procedures should be revived. The responsibilities of governments, the social partners and civil society should be identified and incorporated in the implementation of the Declaration, and its objectives translated into easily comprehensible goals and activities. She supported the draft decision, with the amendment proposed by IMEC.
- 575.** *A Government representative of Italy* said the Declaration remained a fundamental document for enterprises, employers' and workers' representatives and governments. G20 ministers of finance and labour had emphasized the importance of understanding the factors that could accelerate job creation. The G7 had focused on responsible supply chains, calling for full respect of the core labour standards and for direct cooperation with the ILO, the OECD and the United Nations through the 2030 Agenda. Enterprises, trade unions and society must work to enhance trust among workers, employers, consumers and citizens. There was need for a common understanding of the due diligence concept and a practical approach in supply chains across different legal systems. Any initiatives such as product labelling or the provision of support to SMEs in complying with international standards must be based on tripartite dialogue in the countries concerned, through systems of mature industrial relations. The ILO could play a central role in such efforts. For the benefit of workers, enterprises and consumers, the Declaration should be revised, especially concerning supply chains.
- 576.** *A Government representative of the United Kingdom* affirmed the important roles of the tripartite constituents in the promotion of the Declaration. His Government attached special importance to business-led initiatives in relation to international labour standards and corporate social responsibility. The Declaration was being used to foster the creation of new frameworks for development cooperation, which would help ensure sustainable and inclusive growth. He welcomed the information in the report on collaboration with other international and intergovernmental organizations, and wished to know more about the role of the Declaration in recent developments such as the United Nations Guiding Principles on Business and Human Rights and the updated OECD Guidelines. The sustainable supply chain efforts of the G7 should also be considered. It was indeed the right time to review the Declaration and its impact. He supported the draft decision and the proposed amendment.
- 577.** *A Government representative of India* said the Declaration was well placed to guide enterprises with regard to Goal 8 of the 2030 Agenda. He noted progress on the implementation strategy and the global resource kit; welcomed the fact that some member States had aligned their country programmes with the promotion of the Declaration; and anticipated that the development of a results framework would help countries to increase the role of enterprises in development. The ILO played a key role as a focal point for discussion and dialogue in mainstreaming the Declaration. He welcomed the initiatives taken by the Office on the 2030 Agenda and other activities with international organizations. As the 40th anniversary of the Declaration approached, it would be timely to revise it to capture the current realities of globalization and sustainable development.
- 578.** *A Government representative of Cuba* said the Declaration had acquired new relevancy with the launch of the 2030 Agenda. He welcomed the activities undertaken to promote the Declaration and the technical cooperation projects in a number of countries. At the regional

level, he highlighted the importance of the information-gathering process and the special session during the 18th American Regional Meeting in Lima for the promotion of the Declaration. In revising the Declaration, the general principles it enshrined must be maintained. Underscoring the importance of nationally-appointed focal points, mentioned in paragraph 31(b), he expressed support for the draft decision and the proposed amendment.

- 579.** *A Government representative of Kenya* welcomed the e-learning module and the forthcoming launch of the global resource kit. He expressed hope for greater involvement by governments, social partners and enterprises supplying MNEs at the country level. A systemic tripartite approach at the country level was needed to mainstream the principles of the Declaration and accelerate the promotion of national labour standards in the context of Decent Work Country Programmes, labour administration and inspection. Promotion at the sectoral level should involve the Office. Empirical evidence of the economic and social impacts of MNEs would be valuable to developing countries. The barriers to the effective promotion of the Declaration were as described in paragraph 29. The mechanism for the implementation of the Declaration must be tripartite, inclusive and replicated at all levels.
- 580.** *A representative of the Director-General* (Deputy Director-General for Policy) said that following the United Nations Guiding Principles on Business and Human Rights and the updating of the OECD Guidelines, initiatives taken by the ILO's constituents had contributed to changing the environment in which the Declaration was implemented. Although the MNE Declaration certainly was very robust in many respects and continued to be the only truly comprehensive instrument for MNEs on labour and social issues, possible additional steps should also be considered.
- 581.** *A representative of the Director-General* (Director, Enterprises Department) said feedback from participants, Regional Meetings and ILO focal points had helped the Office make progress in implementing the Declaration. The helpdesk and the website had become well-established services; the scope of the subjects researched reflected that of the Declaration, and the Regional Meetings had sparked inquiries. There had been good uptake of the e-learning facility. Importantly, national ownership of initiatives linked with the Declaration was increasingly reflected through DWCPs. Work on the ground was driven by the constituents, as for instance in the mining sector in Zambia. Promotional measures had become mutually reinforcing, generating greater momentum. The Regional Meetings provided a good platform, as had been demonstrated in the Americas; preparations for the Regional Meeting in Africa were being finalized. By the end of 2015, the Office expected to have an intervention model and results chain for intended national action relating to MNEs and supply chains. It was working with the Turin Centre on expanding the training courses offered. Collaboration with the Mexican Department of Labour focused on gathering statistics on the impact of MNEs at the national level.
- 582.** *The Employer spokesperson* expressed support for the draft decision and the proposed amendment.
- 583.** *The Worker spokesperson* said that future work on supply chains and complaints mechanisms should be carried out in tandem with G7 and G20 processes and in the context of tripartite cooperation. The Workers' group supported the draft decision, as amended by IMEC.
- 584.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia affirmed that the members of the Africa group had agreed to accept the amendment to the draft decision.
- 585.** *The Chairperson*, in response to a question from a Government representative of Brazil, affirmed that the spirit of the amended text, in all language versions, was to propose how a

review of the Declaration might be conducted, but not to decide whether it should be conducted. A decision on whether to conduct a review would be taken at the March 2016 session.

## **Decision**

### **586. The Governing Body:**

- (a) requested the Office to take into account guidance provided to enhance the impact of the implementation strategy for the MNE Declaration and related collaboration with other international and intergovernmental organizations;*
- (b) invited all ILO member States and tripartite constituents to give full support to the promotion of the MNE Declaration at the global, regional and country levels and to inform the Office of nationally appointed focal points; and*
- (c) requested the Office to propose modalities to review the MNE Declaration for decision by the 326th Session (March 2016) of the Governing Body.*

(GB.325/POL/9, paragraph 31, as amended.)

## Legal Issues and International Labour Standards Section

### Legal Issues Segment

#### First item on the agenda

#### **Protection of Employers' and Workers' delegates to the International Labour Conference and members of the Governing Body in relation to the authorities of a State of which they are a national or a representative** (GB.325/LILS/1)

587. *The Worker spokesperson* said that her group had requested the inclusion of the item in the agenda on account of the exception contained in section 17 of Article V of the Convention on the Privileges and Immunities of the Specialized Agencies (1947 Convention), according to which the provisions of sections 13, 14 and 15, conferring privileges and immunities on representatives of members at meetings convened by a specialized agency, were not applicable in respect of the authorities of a State of which the person was a national or of which he or she was or had been a representative. Her group considered the exception to run counter to the letter and spirit of article 40 of the ILO Constitution. Employers and Workers taking part in ILO meetings needed to be able to express themselves freely and to act independently of their own government without fear of reprisals. Her group agreed that the impact of the 1970 International Labour Conference resolution concerning freedom of speech of non-governmental delegates to ILO meetings had been limited, as certain governments continued to prevent Workers' and Employers' delegates from attending ILO meetings or took retaliatory action against them for having participated therein. The Committee on Freedom of Association had continued to receive complaints after the adoption of the resolution. On other occasions, the Chairperson of the Workers' group had had to request the intervention of the ILO Director-General to guarantee the safety of a Workers' delegate upon his/her return home. The 2010 amendment to the Standing Orders of the Conference, to allow the Credentials Committee of the Conference to examine complaints from Workers' and Employers' delegates prevented from attending the Conference, had offered only a partial solution to the problem, as article 26ter of the Standing Orders only covered the Conference and not Governing Body sessions or other ILO meetings. Retaliation against a worker for views expressed at the Conference remained unaddressed. For that reason, her group would support the amendment of Annex I to the 1947 Convention, in keeping with the example set by other UN agencies, with a view to extending privileges and immunities to Worker and Employer representatives to the Conference, the Governing Body and other ILO tripartite meetings. Those privileges and immunities should of course be limited to what was necessary to afford those groups adequate protection for the free and independent exercise of their functions in the ILO and should not amount to the conferral of diplomatic status. In light of the limited impact of the 1970 resolution, her group was not convinced that adopting another Conference resolution, calling upon member States to accord certain privileges and immunities to Workers' and Employers' delegates to the Conference or members of the Governing Body, would significantly improve their situation.

- 588.** *The Employer spokesperson* agreed that there was a gap in the legal protection afforded to Worker and Employer representatives in the ILO in relation to the State of which they were a national or a representative. Given that the attempts by the Committee on Freedom of Association, the ILC Credentials Committee of the Conference itself to close that gap had not been fully satisfactory, her group deemed amending Annex I to the 1947 Convention to be the most appropriate solution. Existing domestic regulations on the protection of immunities of members of parliament could provide orientation in that regard. While the process of amending Annex I might be cumbersome and the obligation to provide protection would be binding only on countries that decided to accept the revised Annex, it would at least settle the matter in legal terms. Serious consideration should also be given to adopting a Conference resolution reaffirming the need for such protection and calling upon Members to accept the revised Annex.
- 589.** *Speaking on behalf of IMEC*, a Government representative of the United States said that, while her group supported the full protection of the freedom of speech of Worker and Employer representatives to ILO meetings as central to the human right of freedom of expression and of fundamental importance to the work of the ILO, it remained concerned that the two proposals put forward by the Office focused solely on the conferral of immunities and privileges, which raised difficult legal questions. Although the proposed amendment to Annex I would establish legally binding protection, its impact would be limited, as not all ILO member States were a party to the 1947 Convention and even those member States that had ratified it would have to initiate lengthy and complicated procedures to approve and accept the amended Annex. While a second Conference resolution would reach all member States, as the 1970 Conference resolution had, it would be non-binding and its impact could also be limited. IMEC doubted whether the proposals put forward would actually improve the situation of Worker and Employer representatives who faced problems in their own country, and urged the Office to consider other options that did not entail the conferral of privileges and immunities, such as guidelines.
- 590.** *Speaking on behalf of the Africa group*, a Government representative of Angola said that his group was concerned by the proposal to use the regime of privileges and immunities applicable to parliamentarians in ILO member States as a model for granting protection to ILO Employer and Worker representatives in their own country, in view of the wide variation between those regimes. He suggested that the Office should conduct a study on the feasibility of granting Employer and Worker members the same privileges and immunities as parliamentarians, taking that variation into account.
- 591.** *Speaking on behalf of GRULAC*, a Government representative of Mexico recalled that the purpose of the privileges and immunities under discussion was to allow delegates to the Conference and other meetings composed of national delegations, such as Regional Meetings, to exercise their functions in connection with the ILO in full independence in the strict sense of those texts. Although the privileges and immunities provided for in the 1947 Convention and its Annex I did not apply in respect of the authorities of a State of which the person was a national or of which he or she was or had been a representative, GRULAC respected the 1970 Conference resolution, on the understanding that it was merely declaratory and did not confer any privileges or immunities. Noting that the Governing Body had considered the purpose of that resolution to be to reaffirm the Conference's understanding as to the scope of the obligation arising from article 40 of the ILO Constitution, he recalled that, in accordance with article 37 of the ILO Constitution, only the International Court of Justice could interpret that document and that, from a legal standpoint, rights that were expressly denied in the text that was subject to interpretation could not be granted on the basis of an "understanding". While amending Annex I would be a viable legal option, the process would take time and the privileges and immunities that could be granted to Workers' and Employers' delegates and members under the amended Annex would be limited to those provided for in the 1947 Convention and its current Annex I. Adopting a



second Conference resolution reaffirming the content of that of 1970 would also be a possibility, on the understanding that it too would be declaratory and not confer any additional privileges and immunities.

- 592.** *A Government representative of Trinidad and Tobago* said that, when formulating concrete proposals, the Office needed to address the problem of distinguishing words spoken or written and acts performed in an official capacity, from those spoken, written or performed in an unofficial capacity, as the difference was not always clear-cut, especially with respect to words spoken or written or acts performed outside sessions of the Conference or the Governing Body and on social media. With regard to paragraph 8, which distinguished the situation of Government representatives from that of Employer and Worker representatives, she stressed that while Government representatives could enjoy immunity from prosecution in other jurisdictions, they did not in law and practice enjoy such immunity in their own country.
- 593.** *The Worker spokesperson* said that, while the proposals put forward to date were not a panacea for all the problems identified, they could, in the view of those directly concerned, help to improve the situation of Worker and Employer representatives, who were still faced with intimidation and infringement of their freedom to act independently, and should therefore be given serious consideration. She appealed to governments to be more understanding of their plight. She requested the Office to provide additional information on the possible legal obstacles to extending greater protection to the persons in question. She favoured the adoption of a binding legal document, even if it required ratification.
- 594.** *The Employer spokesperson* supported the Workers' position, in view of experience gathered in the Credentials Committee of the Conference.
- 595.** *A representative of the Director-General (Legal Adviser)* said that article 40 of the ILO Constitution had been given concrete meaning with regard to the protection of Employer and Worker representatives in their own country through the 1962 and 1970 resolutions. Through those resolutions, the Conference had provided its understanding regarding the application of article 40, which did not necessarily amount to interpreting it. The fact that the ILC Credentials Committee of the Conference had been empowered to examine complaints from Workers' and Employers' delegates also went in the direction of giving full meaning to article 40 of the ILO Constitution. The most obvious way to address the apparent contradiction between article 40 of the Constitution and section 17 of Article V of the 1947 Convention, which denied immunities to Employer and Worker members in relation to their national authorities, would be to adopt a revised Annex I, which would be binding and extend privileges and immunities to Workers' and Employers' delegates and members in respect of the authorities of a State of which the person was a national or of which he or she was or had been a representative. A second Conference resolution, for its part, could use stronger language to assert certain privileges and immunities but would remain non-binding. Should the Governing Body so wish, the Office could prepare draft text for a revised Annex and for a Conference resolution to be considered at the following session of the Governing Body.

**Decision**

- 596.** *The Governing Body requested the Office to prepare concrete proposals for measures aimed at enhancing the protection of Employers' and Workers' delegates to the International Labour Conference and members of the Governing Body in relation to the authorities of a State of which they are nationals or representatives, for its consideration at its 326th Session (March 2016), taking into account the views expressed by its members.*

(GB.325/LILS/1, paragraph 24.)

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

### **Third item on the agenda**

#### **The Standards Initiative: Terms of reference of the Standards Review Mechanism Tripartite Working Group (GB.325/LILS/3)**

- 597.** *The Chairperson* recalled that the initial idea had been for the Standards Review Mechanism (SRM) Tripartite Working Group to set its own terms of reference at its first meeting. However, concerns had been raised that it would not be an optimal use of time and resources, as it would have meant devoting an entire meeting to the matter, which would then have had to be endorsed by the Governing Body, delaying matters still further. With the endorsement of the Officers of the Governing Body, the three groups had agreed to hold a first round of informal consultations. The Office had then prepared draft terms of reference for consideration in tripartite consultations with the Officers of the Governing Body, the Chairperson and Vice-Chairperson of the Government group, the regional coordinators, the Employers' and Workers' secretariats and the proposed Chairperson of the SRM Tripartite Working Group, appointed by the Government group. The tripartite consultations had taken place in a highly constructive spirit of consensus-building, commitment, understanding, dialogue and determination to give the SRM Tripartite Working Group a solid basis on which to conduct its important work. The resulting draft terms of reference of the SRM Tripartite Working Group were now before the Governing Body.
- 598.** *The Employer spokesperson* said that he agreed with the draft terms of reference for the SRM Tripartite Working Group, agreed by consensus at the consultations held on 22 and 23 October 2015, and with the proposed convening of two meetings of the SRM Tripartite Working Group prior to the March and November 2016 Governing Body sessions. He supported the appointment of Mr Jan Farzan (Germany) as Chairperson of the SRM Tripartite Working Group and agreed that an initial evaluation of the functioning of the Working Group should take place no later than March 2017. The initial evaluation, scheduled to take place after the two meetings of the Tripartite Working Group, would help determine what adjustments were needed to ensure its continued success. The approval of the aforementioned decision points was an important milestone for the functioning of the SRM, the establishment of which had been approved in 2011. The Employers' group reiterated that it was committed to ensuring, in partnership with the Workers' group, that international labour standards were at all times relevant to the world of work.

599. *The Worker spokesperson* said that the Workers' group had studied and discussed the SRM on 1 November, and had doubts and concerns as the SRM was seen as a possible Pandora's box that could weaken the mandate and purpose of the ILO. The reality of the world of work was that no progress was being made in ensuring respect for workers' rights. The outcome of the SRM would need to be an updated and reinforced set of instruments underscoring the Organization's objectives, as set out in the ILO Constitution, the Declaration of Philadelphia and the ILO Declaration on Social Justice for a Fair Globalization. It was important to emphasize that the positions that were adopted in Governing Body meetings or the supervisory mechanisms could influence the work of the SRM and the trust needed for its success. The SRM was only possible if its overall objectives and guiding principles were fully supported by the constituents, which could only be achieved through consensus, not through majority or minority rules. Failure to respect the rules of consensus, and the absence of trust between the parties would, without any doubt, be the end of the SRM. The SRM was one of the two pillars of the Standards Initiative proposed by the Director-General, and it was also linked to the Future of Work centenary initiative and the ILO Declaration on Social Justice for a Fair Globalization. To ensure the success of the SRM, ways would have to be found to remain focused and avoid it being overburdened. The work of the SRM would be impacted by the evaluation of the Social Justice Declaration and the Future of Work centenary initiative, although it was not yet possible to foresee all possible implications. The SRM Tripartite Working Group and the Governing Body would therefore have to work in a pragmatic way.
600. He emphasized that the Future of Work centenary initiative should also help to identify gaps in protection and new standards to respond to them. While agreeing that the SRM should help identify gaps in standards, the standard-setting process should not be limited to the SRM Tripartite Working Group. Other mechanisms for identifying new standards should continue to be used, including Office proposals further to suggestions by technical departments, recurrent discussions, General Surveys, meetings of experts and proposals by constituents, as stated in paragraph 10 of the draft terms of reference. Recognition by all parties that existing mechanisms and processes to decide on new standards must remain in place was an important precondition for the Workers' group to take part in the SRM process. He reiterated that the Workers' group did not support a permanent SRM Tripartite Working Group, which in practice would lead to every standard being in a permanent status of review, making the crucial work of promoting their ratification and implementation impossible. It would also make it easy for governments or employers to argue against ratifying Conventions and make it impossible for the ILO to promote their ratification. He recalled that international labour standards were adopted by the International Labour Conference, the highest authority of the ILO. The work of the SRM Tripartite Working Group should not undermine standards adopted on a tripartite basis. He also recalled that the promotion of up-to-date standards had been the weakest part of the follow-up to the work of the Working Party on Policy regarding the Revision of Standards ("Cartier Working Party") as, despite the identification of up-to-date standards, little if any promotional work had been undertaken by the Office, and few governments had followed up by ratifying the relevant standards. That weakness needed to be seriously addressed and required political commitment from all parties. Concerning the SRM guiding principles, there were two extremely important issues. First, the protection of workers was the most important and primary objective. Secondly, in terms of methodology, the adoption of decisions by consensus was important and, in the absence of consensus, the principle that existing decisions should remain in place in order to guarantee legal certainty. Under those conditions, the Workers' group agreed with the proposed terms of reference and supported the point for decision.
601. *Speaking on behalf of the Government group*, a Government representative of Ghana noted the detailed proposals and the decision to delay the planned meeting of the Tripartite Working Group to allow for agreement on its terms of reference to be reached before it began its substantive work. Given that there had been consensus on the draft terms of reference and

clear parameters for the Tripartite Working Group had been set, including its composition, mandate, principles and methods of review, the Government group welcomed the terms of reference in their entirety. He also endorsed the other components of the draft decision and stated that, together, the four components of the decision would steer the SRM Tripartite Working Group in a constructive direction. In conclusion, he highlighted the importance of the Tripartite Working Group and its future programme of work. The Government group was fully committed to participating in the initiative through the regional representatives and the limited number of advisers to be admitted.

**602.** *Speaking on behalf of GRULAC*, a Government representative of Mexico said he believed that any organization involved in setting standards needed to evaluate its body of standards regularly in order to ensure that they remained valid and effective. Due to the large number of tripartite ILO standards, the process would be lengthy and comprehensive, and it would be of the utmost importance that tripartite constituents approached it objectively, without prejudice and transparently. The October 2015 tripartite consultations had resulted in consensus on the terms of reference for the Tripartite Working Group that had carried out the review. They reflected, for the most part, the principles of objectivity, transparency, consistency, full tripartite participation, and the dissemination of information needed in order to achieve the full participation of constituents. The key to carrying out the process was not to undermine workers' rights in any way, but to strengthen them. In order for the Tripartite Working Group to begin its work without delay, the programme of work needed to be determined. The recommendations of the Cartier Working Party could serve as a good departure point, keeping in mind the new realities that the world of work was facing. He was confident that the funds dedicated to the functioning of the Tripartite Working Group would be sufficient and would be used reasonably, avoiding possible higher costs due to the participation of members of the Tripartite Working Group who were not Governing Body members. The recent entry into force of the Instrument of Amendment, 1997, of the ILO Constitution would make it possible to abrogate any obsolete Convention, making the body of standards even stronger, more relevant and up to date, which represented a significant step for the ILO centenary. He supported the draft decision.

**603.** *Speaking on behalf of ASPAG*, a Government representative of India, recalling that the Preamble of the ILO Constitution referred to social justice as a core requisite for everlasting peace, and hence the ILO's principal mission, emphasized that international labour standards were central to that objective and had been the guiding instruments on labour matters for over nine decades. The world of work had nevertheless changed tremendously, driven by globalization and the unprecedented interdependence of national economies, particularly following the global economic crisis. It was therefore essential that the SRM undertook not only everything that had been envisaged when it was first discussed, but also encompassed the new scenario, including the challenges and commitments identified in the 2030 Agenda SDGs. He welcomed the broad consensus achieved on the terms of reference of the SRM Tripartite Working Group, which would gain further significance with the entry into force of the Instrument of Amendment, 1997, of the ILO Constitution. He also welcomed the preparatory and informal discussions that had taken place, and the clarifications provided on issues relating to the functioning of the SRM Tripartite Working Group, including its scope and time frame, and its relationship with other mechanisms such as the existing supervisory mechanisms. The SRM Tripartite Working Group would need to take a holistic approach, taking into consideration earlier work, including as appropriate that of the Cartier Working Party, to rationalize its workload. Due care was needed to ensure that, in fulfilling its holistic mandate, the SRM Tripartite Working Group did not, at any cost, compromise the protection of workers' rights or the sustainability of enterprises. Noting that a number of decisions regarding matters on which ASPAG had commented during the tripartite consultations had been left open-ended for determination by the Tripartite Working Group, including the scope of the review, the time frame and the participation of advisers, he looked forward to those decisions being brought before the Governing Body for approval. Any proposed changes to

standards should be put forward for approval by the International Labour Conference, which was the supreme forum for deciding on all labour matters. ASPAG welcomed Mr Farzan's appointment as Chairperson and looked forward to participating in the SRM initiative.

- 604.** *Speaking on behalf of the Africa group*, a Government representative of Burkina Faso welcomed the progress made related to the Standards Initiative, and the tripartite consultations which had resulted in a clear mandate for the SRM Tripartite Working Group. In conjunction with the various mechanisms for monitoring the effect given to Conventions and Recommendations, the ILO had established a working group to ensure that the body of standards was up to date and relevant to the world of work. The Africa group noted the organization and methods of work outlined in the Office document and welcomed the draft mandate of the SRM Tripartite Working Group. It reiterated its support for the overall objective of the SRM to ensure that the ILO had a clear, robust and up-to-date body of international labour standards that would enable it to respond to change in the world of work. The mechanism would need to ensure that ILO standards adequately protected all workers and took into account the needs of sustainable enterprises, as well as current realities. It would also need to strengthen support for standards that were up to date, increase the number of ratifications and improve the implementation of ratified Conventions. The SRM must ensure that the international labour standards in force effectively contributed to achieving the ILO's strategic objectives. In that regard, the Africa group would spare no effort to help the Tripartite Working Group accomplish its mission. Taking into account the relevance of the work of the Tripartite Working Group and in view of the delay in implementing the Standards Initiative, the Office should accelerate its establishment and provide the necessary means for it to begin work as soon as possible.
- 605.** *Speaking on behalf of ASEAN*, a Government representative of Cambodia expressed support for the launching of the SRM, which would respond to the need of all constituents for a clear, robust and up-to-date body of standards for the purpose of protecting workers, taking into account the needs of sustainable enterprises. He appreciated the outcome of the tripartite consultations held in October 2015 in which the terms of reference for the SRM Tripartite Working Group had been consensually drafted, and fully supported the proposed terms of reference of the SRM Tripartite Working Group, which contained clear and precise parameters for its effective functioning. In supporting the point for decision and welcoming the appointment of Mr Jan Farzan as Chairperson of the SRM Tripartite Working Group, he emphasized the important role of the SRM within the Organization.
- 606.** *A Government representative of the United Kingdom* recalled that the process of establishing the SRM had not been straightforward and that expectations were high. He commended the efforts made during the tripartite consultations to reach the current stage, which demonstrated the commitment of all ILO constituents to the essential initiative. He welcomed the fact that the terms of reference had been agreed by tripartite consensus. International labour standards were at the heart of ILO action and provided the foundation for its strategic objectives. The ILO and its body of international labour standards played a key role in promoting the rules-based international system. The SRM did not threaten the integrity and authority of existing standards, but was a vital way of ensuring that standards could be modernized so that they continued to protect workers and addressed the needs of enterprises, while providing necessary and relevant contemporary instruments and rights. It was crucial for the body of labour standards to reflect the changing patterns of the world of work so that its credibility, legitimacy and authority were strengthened, both among ILO constituents and the wider international community. He therefore endorsed the terms of reference, which provided the Tripartite Working Group with the broad mandate that it needed to contribute effectively to the overall objective of the SRM, thereby ensuring a clear, robust and up-to-date body of international labour standards. Acknowledging that the terms of reference provided a clear set of principles to steer the work of the Tripartite Working Group, he welcomed the provision that it would establish its own rules of procedure and

working methods, thereby allowing it flexibility in moving ahead with the initiative. In view of the enormity of the task, and the fact that the review process was likely to be lengthy and challenging, the ability of the Tripartite Working Group to learn and to make its own decisions along with delegates and experts would be particularly important. The Tripartite Working Group would need to set priorities early concerning which standards to review first, and should start its deliberations promptly. As a member of the Tripartite Working Group, the United Kingdom was committed to working constructively and collaboratively to ensure the success of the SRM. The eyes of all ILO constituents would be on the Tripartite Working Group, and all participants should therefore show full support for the Tripartite Working Group and the Office in the spirit of tripartism, cooperation and consensus. He endorsed the appointment of Mr Jan Farzan as Chairperson and supported the decision points.

**607.** *A Government representative of China* welcomed the relaunch of the SRM and the terms of reference for the Tripartite Working Group. With regard to the scope of the review, he said that the main purpose of the SRM was to ensure that international labour standards remained abreast of the changes in global economic and social development, and stayed up to date with the world of work. The entry into force of the Instrument of Amendment, 1997, of the ILO Constitution would enable the ILO to follow the recommendations of the Tripartite Working Group to abrogate obsolete Conventions. In view of the unprecedented pace of evolution of science and technology, and the fundamental changes occurring in relation to forms of employment and patterns of production, international labour Conventions needed to reflect the real circumstances of the world of work. The scope of the review should clearly cover out-of-date standards and decisions should be made for each Convention reviewed, specifying whether it required updating, consolidation or abrogation. The Maritime Labour Convention, 2006 (MLC, 2006), offered a good benchmark in that regard. He added that it would be necessary to limit the size of the Tripartite Working Group to facilitate the achievement of consensus, although a limited number of advisers should be allowed to attend the meetings given that the Conventions covered different technical fields. As different experts would be required for the different standards, the Office should announce the standards to be reviewed well in advance of each meeting so that member States could identify pertinent experts and advisers to attend the meeting. He endorsed the points for decision.

**608.** *A Government representative of Colombia* said that her Government had always been committed to fulfilling its obligations towards the Organization, particularly with regard to the Conventions ratified by Colombia. In accordance with the Political Constitution of Colombia, duly ratified international labour Conventions were incorporated into national legislation, meaning that they constituted core, mandatory legal provisions that applied to the entire population. Her Government believed that the SRM would contribute to the effective application of international labour standards, thereby guaranteeing legal certainty and instilling greater confidence in the supervisory mechanisms. The Organization's tripartite structure, which was unique within the UN, meant that during the drafting of the standards, it was possible to take into account the realities and needs of constituents. Consequently, the adoption of the SRM would make it possible to analyse the current situation of the world of work. In that regard, it was important that the process be carried out objectively and on the basis of consensus, keeping in mind, among other things, the realities of the current national and regional situations. Efforts should be made to strengthen and protect workers' rights, without in any way diminishing existing rights. She supported the draft decision.

**609.** *A Government representative of France* said that his country attached great importance to preserving the ILO's core mandate, namely adopting and monitoring the application of international labour standards. Following the crisis that had threatened the Organization's core purpose, he welcomed the return of the climate of confidence that had prevailed during the Committee on the Application of Standards in June 2015. That renewed confidence had

helped to reactivate the SRM, launched in 2011. Updating the international labour standards was a matter of prime importance for the future of the ILO, which would be celebrating its centenary soon, and would enable it to remain relevant. The standards review was necessary; however, it should not be conducted at any cost. The founding principles of the ILO must continue to guide the process, particularly the need to safeguard the integrity of the ILO's core standards and preserve their spirit and philosophy. Consequently, the objective of the mechanism was to update the body of standards so that it was fully relevant to today's world, not to undo what had already been done. Although France had not participated in the discussions on the mandate of the group responsible for that work, it had followed them with great interest; the balance that had been struck should enable the group to work in harmony. The SRM should, in future, be able to make a deeper analysis of the overall standards supervisory system and, by so doing, strengthen its credibility and, by extension, that of the Organization as a whole.

- 610.** *A Government representative of Zimbabwe* welcomed the negotiation of the terms of reference of the Tripartite Working Group in the true spirit of tripartism, which made the ILO a unique agency in the UN system, and reflected the common vision of its mandate, future and the effectiveness of its instruments. The dynamic nature of the world of work made it necessary to ascertain that ILO instruments continued to be relevant, and a review would also provide a basis for identifying gaps to be filled. The terms of reference provided the necessary safeguards and flexibility. It was of critical importance that the representatives of member States and of employers and workers participating in the Tripartite Working Group had the requisite technical knowledge, experience and in-depth appreciation of the standard-setting role of the ILO. He supported the decision point.
- 611.** *A Government representative of Germany*, Mr Jan Farzan, thanked the members of the Governing Body for supporting his appointment as Chairperson of the Tripartite Working Group which, based on the October 2015 consultations, he expected to work with enthusiasm and to make an important contribution.

## **Decision**

### **612. The Governing Body decided to:**

- (a) approve the terms of reference of the SRM Tripartite Working Group;*
- (b) appoint Mr Jan Farzan (Germany) as Chairperson of the SRM Tripartite Working Group;*
- (c) convene two meetings of the SRM Tripartite Working Group in 2016, one prior to its 326th Session and the other prior to its 328th Session; and*
- (d) undertake an initial evaluation of the functioning of the SRM Tripartite Working Group no later than March 2017.*

(GB.325/LILS/3, paragraph 5.)

## Fourth item on the agenda

### Choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2017 (GB.325/LILS/4)

- 613.** *The Employer spokesperson* considered that the most interesting of the three options was the Indigenous and Tribal Peoples Convention, 1989 (No. 169). More than 25 years after its adoption, the Convention had never been the subject of a General Survey. Beside the fact that a General Survey would strongly underpin the strategy for the Office's action concerning indigenous and tribal peoples which had been adopted at the current session of the Governing Body, the aim should be to clarify the contents of the Convention, pinpoint the main challenges to its implementation and increase the number of ratifications. The World Conference on Indigenous Peoples, held in 2014, had likewise considered the aforementioned points to be pertinent. If Convention No. 169 were selected, it would also be worth taking a look at the Indigenous and Tribal Populations Convention, 1957 (No. 107), since, despite the fact that it had been revised, it remained in force for 17 member States. Alternatively, the Employers' group could support the selection of the Social Protection Floors Recommendation, 2012 (No. 202), on the grounds that, although that instrument had been adopted in 2012, the discussion of the General Survey would take place in 2018 (in other words six years after its adoption), thus setting it in the wider debate of the means to end poverty in all its forms everywhere within the framework of the United Nations SDGs. The working-time instruments were of less interest to the Employers' group, since in 2005 the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), had been the subject of a General Survey. Moreover a tripartite Meeting of Experts on Working-time Arrangements had been held in 2011. The large number of instruments proposed entailed the risk that their analysis would be superficial. That was why the Employers' group considered that it might be much more advisable to discuss that item at the current time while clearing the way for an SRM in a context which would permit a much broader debate.
- 614.** *The Worker spokesperson* said that her group had a clear preference for a General Survey on working time. The majority of the working-time Conventions, including those on part-time work and night work, had never been the subject of a General Survey. A 1984 General Survey had considered five working-time instruments, and the 2005 General Survey had examined Conventions Nos 1 and 30. It was important to update the relevant information on a significant issue like working time in a comprehensive way. The conclusions of the June 2015 recurrent discussion on labour protection adopted by the Conference noted that the regulation of hours of work for all workers, including the establishment of a maximum working day and week, was enshrined in the ILO Constitution and remained an important objective. The conclusions further indicated that guidance was needed to address the need for workers to achieve balance between work, family and private life; the Governing Body had been invited by the Conference to consider organizing a tripartite meeting of experts on developments and challenges in the area of working time and their impact on the organization and scheduling of hours of work, taking into account the needs of workers and employers, which could be informed by the General Survey. Further, the centenary of the ILO would also be the centenary of its first Convention on working time, which was adopted in 1919 after the First World War, responding to the need for standards not only offering protection in the world of work, but also helping to ensure security and social peace. With reference to possible concerns about reporting obligations under article 19 of the Constitution, as the proposal concerned several instruments, it should be recalled that, as with past General Surveys covering several instruments, the questions could be focused on essential provisions of the instruments and the key issues at stake. Covering several



instruments would allow for a comprehensive overview and could inform future decisions that constituents might take on such an important area of work, including in the SRM. There were many good practices in the ILO which should be continued, such as covering important standards in General Surveys – which provided reliable information that could feed into standard-setting activities as well as the SRM. The Workers' group reiterated that Convention No. 169 was a very important instrument, but considered that it should not be taken up in a General Survey at present, noting that a strategy had been agreed by the Governing Body at its current session on indigenous peoples' rights for inclusive and sustainable development, in order to enhance promotion of the Convention. That was timely in light of the outcome of the World Conference on Indigenous Peoples which, in 2014, had called for the ratification of Convention No. 169. At present, priority should be given to promoting the ratification and implementation of Convention No. 169, rather than a General Survey. Given the importance of Recommendation No. 202 in the global strategy to extend social protection to all, it could be a topic for a General Survey to be prepared after 2017.

- 615.** *A Government representative of France*, also speaking on behalf of Germany, supported the proposal with regard to Recommendation No. 202. The adoption of that Recommendation had certainly acted as a catalyst in the multilateral system and that notion had been widely taken on board by other international organizations. According to information supplied by the Office, only 20 per cent of the world's population had adequate social protection and more than 50 per cent had none whatsoever. The time had come to act, by conducting a General Survey on that ambitious instrument in order to identify the obstacles to setting up social protection systems and to their progressive development.
- 616.** *Speaking on behalf of the Africa group*, a Government representative of Botswana supported the proposal for working-time instruments to be the subject of the General Survey for which reports would be requested in 2017. Working time had always been one of the ILO's central concerns, and the most recent General Survey on working time had been carried out ten years previously and had only covered Conventions Nos 1 and 30, which did not fully reflect modern realities such as non-standard forms of employment and new working arrangements. Working-time arrangements could affect workers' well-being and enterprises' performance, and unpredictable work schedules threatened work-life balance, income security and (particularly mental) health – adversely affecting productivity. Changes to employment patterns and work organization not only created new job opportunities; they affected labour protection. The regulation of working conditions, through laws or collective agreements, was therefore key to worker protection.
- 617.** *Speaking on behalf of ASPAG*, a Government representative of India recalled that all three options proposed for the General Survey were connected in some way with the SDGs. A General Survey on Recommendation No. 202 would be particularly relevant to the goal of ending poverty in all its forms everywhere. It was, therefore, an opportune time to prepare a General Survey on social protection floors.
- 618.** *A Government representative of Norway* also speaking on behalf of the Governments of Austria, Belgium, Bulgaria, Denmark, Finland, Greece, Italy, Lithuania, Netherlands, Romania, Sweden and the United States, welcomed the three proposed options for the General Survey, including the retention of the previous year's proposal of Convention No. 169, which had not yet been the subject of a General Survey. Nevertheless, in the broader context of the Future of work initiative and the start of the SRM, she believed that it would be more useful to request reports in 2017 for a General Survey on the working-time instruments – covering hours of work, weekly rest, part-time work and paid holidays. That would also be in line with the proposed action plan on labour protection. She requested the Office to prepare a report form focusing on essential aspects of the working-time instruments, so as not to overburden member States or the Office. The General Survey should aim to see how the instruments addressed current workplace realities and how

member States protected workers employed under modern and flexible working-time arrangements. The proposal for a General Survey on Recommendation No. 202 should be kept for future consideration.

619. *A Government representative of the Republic of Korea*, in line with ASPAG's statement, supported the proposal that Recommendation No. 202 be the subject on which reports be requested in 2017. Alternatively, Convention No. 169 was suitable for a General Survey, as there had been no full Conference discussion on how to protect the rights of indigenous peoples.
620. *A Government representative of Mexico* expressed his preference for the selection of the working-time instruments. His Government's policies had sought to encourage good labour practices which better reconciled work and family, in order to improve workers' lives. Tackling working-time instruments would make it possible to obtain information about trends, practices and the stumbling blocks preventing or delaying further ratifications, to detect possible gaps in international labour standards and to find out the views of workers' and employers' organizations. The ultimate goal was to improve working conditions, increase firms' competitiveness with regard to working hours and to bridge the gap between current working hours and workers' preferences. An analysis of the instruments would act as a spur to the Government of his country and to employers to increase the number of institutions and firms which agreed to guarantee decent work.
621. *A Government representative of Uruguay* was in favour of the topic of working-time instruments.
622. *A Government representative of the Russian Federation* referring to the process which was expected to lead to the ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102), by his country before the end of 2015, supported Recommendation No. 202 as a topic of the General Survey for which reports would be requested in 2017. In addition, stating that the Russian Federation had 190 different peoples, he expressed support for the selection of Convention No. 169.
623. *The Employer spokesperson* said that in light of the diverging opinions expressed and the difficulty of arriving at a joint proposal, he could support the selection of Recommendation No. 202.
624. *The Worker spokesperson* welcomed the fact that all three proposals covered interesting and important matters. She noted with interest that many Government representatives supported the proposal for a General Survey on the working-time instruments on the grounds that working time lay at the heart of the ILO's mandate; and such a Survey would cover a mixture of old and newer instruments and address important current challenges relating to long working hours, unpredictability and work-life balance – including the situation facing many workers who cared not only for their children, but also for elderly family members. It was also a subject that was closely related to the Women at Work and Future of Work centenary initiatives. If it could be agreed that the General Survey would cover that important issue in 2017, the following one could then cover Recommendation No. 202.
625. *The Employer spokesperson* agreed with the opinion expressed by the Workers' group with regard to the importance of those subjects for the Organization. It was becoming increasingly apposite to consider the prospect of covering a large section of workers and people worldwide with universal social protection floors. His group therefore reiterated its preference for the selection of Recommendation No. 202, bearing in mind new forms of work, in order to offer guidance on work-life balance, to provide services, including by taking advantage of technology, to establish clear policies and to supply the information needed for their formulation.

626. *The Chairperson*, in light of the discussion, proposed that the General Survey for which reports would be requested in 2017 could cover the working-time instruments, and the General Survey for which reports would be requested in 2018 could cover Recommendation No. 202.
627. *The Employer spokesperson* sought clarification from the Office regarding the working-time instruments. Noting that some of the instruments referred to in the proposal were up to date, and others had interim status or were to be revised, he asked whether the proposed General Survey would address all the instruments, or merely those that had been classified as up to date.
628. *A representative of the Director-General* (Director, International Labour Standards Department) explained that the General Survey would encompass all working-time instruments. As for the concerns expressed about the large number of instruments and the workload which it would entail for governments, recent General Surveys had tended to cover an increasing number of instruments following the adoption of the Declaration on Social Justice for a Fair Globalization in 2008 and the alignment of General Surveys on the recurrent discussions. The approach adopted had, however, been to devise report forms centring on salient topics and not on individual provisions of the instruments in question in order to gain a broad overview.
629. *The Employer spokesperson* believed that the reporting requirements for a General Survey on all the working-time instruments would raise difficulties, especially for governments, as the report form would be very long and risked being superficial. It would therefore be better to focus on a smaller number of instruments. He suggested that the order of the proposal could be reversed, so that reports would be requested on Recommendation No. 202 in 2017 and on the working-time instruments in 2018, thereby allowing time to take a decision on which instruments would be covered and for the working-time instruments to be considered by the SRM.
630. *The representative of the Director-General* added that the General Surveys of 2014 and 2015 and the related report forms had concerned four and eight instruments, respectively, and that the analysis had centred on major themes. In any case, the report forms were discussed and approved by the Governing Body.
631. *The Employer spokesperson* considered that, to ensure that the General Survey was focused on concrete aspects of standards, the working-time instruments to be covered should be limited to up-to-date instruments, namely the Weekly Rest (Industry) Convention, 1921 (No. 14), the Maternity Protection Convention (Revised), 1952 (No. 103), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Part-Time Work Convention, 1994 (No. 175), the Reduction of Hours of Work Recommendation, 1962 (No. 116), and the Part-Time Work Recommendation, 1994 (No. 182).
632. *The Worker spokesperson* expressed support for the proposal made by the Chairperson. She was confident that the Office would be able to propose a questionnaire that focused on the principal issues, rather than the individual provisions of the instruments, which was a good way forward for General Surveys. It was her understanding that countries needed to abide by all the Conventions that they had ratified, even though some Conventions might address certain issues in an old-fashioned way. She failed to understand the proposal by the Employers' group that the General Survey should be limited to instruments that were up to date.
633. *A Government representative of Kenya*, wishing to encourage innovation, supported an integrated approach to General Surveys covering themes or issues which might suggest areas of commonality or diversity to be addressed. An attempt should be made to move towards

covering baskets of instruments, which would add value to the work undertaken and ensure that it was cost effective. The approach could be adapted subsequently.

**634.** *A Government representative of the United States* agreed with the previous speaker and considered that such an approach would offer very interesting insights, especially in the context of the Future of Work initiative. It would also fit well with the organization of work and production and the governance of work initiatives.

**635.** *The Employer spokesperson* said that there appeared to be something of a contradiction in the proposal under consideration. The SRM would be engaging in a general examination of the ILO's body of standards for at least the next year and a half, which could well include the working-time instruments, while a General Survey was being proposed on that specific subject. It would be more logical for the General Survey to be focused on the up-to-date working-time instruments. Nevertheless, the Employers' group would not oppose the majority view.

### **Decision**

**636.** *The Governing Body decided that governments should be requested to submit reports under article 19 of the Constitution:*

*(a) on the instruments on working time in 2017; and*

*(b) on the Social Protection Floors Recommendation, 2012 (No. 202), in 2018.*

**637.** *The Governing Body requested the Office to prepare:*

*(a) the report form concerning the instruments on working time for consideration at its 326th Session (March 2016); and*

*(b) the report form concerning the Social Protection Floors Recommendation, 2012 (No. 202), for consideration at its 328th Session (November 2016).*

(GB.325/LILS/4, paragraph 12, as amended.)

## Programme, Financial and Administrative Section

### Programme, Financial and Administrative Segment

#### First item on the agenda

#### Update on the headquarters building renovation project (GB.325/PFA/1)

- 638.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) invited interested members to contact the Office to make a tour of the project. He informed members that the renovation works were ongoing and that it had been arranged that noisy work would be restricted to the hours of 6 a.m. to 9 a.m., so as not to disturb staff or the Governing Body proceedings.
- 639.** *The Worker spokesperson* said that his group was pleased to learn that the plot of land located on Avenue Appia had been sold and that the Office was finalizing arrangements for disposal of the leasehold plot located on the Route de Ferney. It also welcomed the news that the total budget remained within the limits previously endorsed by the Governing Body. The Office should ensure a regular flow of information on the project, including between sessions of the Governing Body, and provide staff and visitors with clearer information about potential hazards. Improvements were also needed with regard to fire drills, a centralized hotline for problems and better separation of working areas.
- 640.** *The Employer spokesperson* said that his group was pleased to learn that a management contractor had been selected but noted that, in order to cover the maximum guaranteed price, the project budget had been revised by removing the provision for inflation and a proportion of the provision for unforeseen costs. He requested the Office to confirm that those budget line items were no longer needed. Because the format of the project budget had been changed, it was difficult to compare it with the 2014 budget. The two budgets should be integrated or provided side by side for purposes of comparison. His group would also like to receive additional information on the disposal of the leasehold property as soon as it was available.
- 641.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe requested clarification of the issues mentioned in paragraph 1 of the document and the measures taken to minimize their impact. While welcoming the sale of the land, he noted that the sale price of 26 million Swiss francs (CHF) fell far short of the estimated CHF60 million that would repay a portion of the loan of CHF130 million to be obtained to finance the renovation. His group would appreciate an explanation of that discrepancy and clarification of how the Office planned to bridge the gap. Lastly, as the document did not contain a decision point, the group proposed the following: “The Governing Body takes note of the progress made in the renovation project of the headquarters building and requests the Office to provide an update of the status of the project during its 326th Session (March 2016).”
- 642.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that IMEC would welcome information on possible solutions if the income from the combined land sale and disposal fell short of the reduced estimate of CHF56.8 million and on the

impact of that eventuality on member States. She asked how the Office intended to fund the interest payments on the proposed loan from the Swiss Government and how that loan fitted in with other proposed funding mechanisms. While the Office's continued commitment to stay within the original project cost of CHF205 million was to be commended, it was disappointing that the report contained no information on possibilities for financing additional renovations. The Office should continue to explore innovative financing options, for both completing the full renovation and reducing the cost to member States of the reduced project.

- 643.** *A Government representative of Mexico* looked forward to receiving additional information on the disposal of the leasehold plot, in order to learn the exact amount of the loan to be requested from the Swiss Government.
- 644.** *The representative of the Director-General* (Deputy Director-General, Management and Reform), replying to questions, said that a hotline had been in place for the previous two years and that segregation walls had been installed throughout the building except on the seventh floor, where work would be completed within two weeks. Two fire drills had revealed shortcomings that had been addressed by installing new alarms and signage, with further improvements planned for the future.
- 645.** Under the recently awarded guaranteed maximum price contract, the management contractor had taken over responsibility for inflation and contingencies, and those elements had accordingly been built into the project cost. He explained that the 2014 budget had contained only one line for floors 1 to 11 of the building, which had been broken down into a number of more detailed components in the new budget.
- 646.** As examples of the "issues" mentioned in paragraph 1, it had been discovered during installation of the scaffolding that additional anchor points were needed, necessitating a reconfiguration of offices, and certain forms of work had had to be restricted to certain times in order to minimize noise disturbances. Other issues would be addressed as they arose.
- 647.** The estimate of CHF56.8 million was based on the total income from the sale of the plot located on Avenue Appia and the disposal of the leasehold plot on the Route de Ferney. That combined amount of the proceeds from the disposal and sale was still expected to be close to the estimate. Any shortfall would have to be made up through efficiencies or other project savings. Further details would be provided at the March 2016 session of the Governing Body.
- 648.** Any loan from the Swiss Government would be limited to the amount agreed at the 104th Session of the International Labour Conference and would be repaid not from membership income, but by letting out space within the building after the renovation. In order to pay for the full renovation project, the Office had been looking at models used by other agencies and would put forward options to governments in the months to come.

## **Decision**

- 649.** *The Governing Body took note of the progress made in the renovation project of the headquarters building and requested the Office to provide an update of the status of the project during its 326th Session (March 2016).*

(GB.325/PFA/1.)

## Second item on the agenda

### Proposed 2016–17 budgets for extra-budgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) (GB.325/PFA/2)

- 650.** *The Employer spokesperson* stressed the importance of CINTERFOR for countries in Latin America and the Caribbean. While the increases included in the proposed budget for 2016–17 seemed reasonable, staffing costs alone accounted for 80 per cent of the total; more action should be taken in the areas of training, knowledge management, jobs for youth and entrepreneurship. His group was pleased that the Government of Uruguay had paid most of the arrears in its contribution to the Centre and hoped that additional donors would make their promised voluntary contributions during the coming months. The Office, after consultation with the tripartite constituents, should provide a detailed explanation of each of the planned areas of activity set out in paragraph 11 and include expected outcomes for each budget line.
- 651.** *The Worker spokesperson* stressed the importance of an integrated approach based on decent work with freedom of association and collective bargaining as integral elements of a vocational training package. In this regard, vocational training on jobs and skills for youth had to address the quality dimension of employment. The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), provided relevant guidance on the formulation and implementation of a comprehensive employment policy, which must include education, skills development and lifelong learning, in response to the evolving labour market and new technologies, and must recognize prior learning, such as informal apprenticeship systems, in order to broaden options for formal employment.
- 652.** The group welcomed the provision of capacity building for workers' and employers' organizations and called for the integration of normative components into the CINTERFOR strategy, including by promoting the ratification and implementation of Conventions Nos 122 on employment policy, 140 on paid educational leave, 142 on human resources development and 102 on social security, and of Recommendation No. 195 on human resources development. Workers' organizations should play a real role in discussing and setting vocational training policies, with a focus on sustainable and inclusive development and decent work creation. Capacity building to include vocational training clauses in collective agreements at the sectoral and enterprise levels, and in framework agreements between trade union federations and multinational enterprises should be envisaged. The experience of CINTERFOR should be shared through South–South cooperation and other methods. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) provided useful guidance by calling on multinationals to ensure that training was provided to workers in the host country, bearing in mind the country's development needs and policies.
- 653.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe noted with satisfaction that CINTERFOR planned to synchronize youth training policies with employment policies. With regard to paragraph 11(f) of the report, persons with disabilities should be recognized as a vulnerable group requiring inclusion. The Office was commended for allocating substantial funding to the Centre; it was hoped that such support could also be provided to training centres in other regions, including three in Africa.

- 654.** *Speaking on behalf of GRULAC*, a Government representative of Mexico expressed appreciation for the work of CINTERFOR and endorsed its proposed programme and budget for 2016–17. He supported the Centre’s new strategy and the lines of action set out in paragraph 11, particularly with regard to decent work, the rural economy, youth and vulnerable groups, and the effort to strengthen the capacities of employers’ and workers’ organizations in response to new technologies. The Centre’s objectives should be aligned with discussions on the ILO’s centenary initiative on the future of work.
- 655.** *A representative of the Director-General* (Regional Director for Latin America and the Caribbean) said that the new lines of action set out in paragraph 11 had been developed through extensive consultation and cooperation with member States; more detailed information would be circulated as requested by the Employers’ group. The Workers’ group had rightly noted the importance of collective bargaining and freedom of association; at a recent seminar on public sector collective bargaining in Buenos Aires, the Centre’s Director had made a presentation on the role of vocational training in successful collective bargaining and social dialogue. The Centre would be focusing more closely on the instruments mentioned by the Workers’ spokesperson and intended to align its work with the centenary initiative as requested by GRULAC. New technologies had an unavoidable impact on the world of work and CINTERFOR was already engaged in relevant collaboration and partnerships; for instance, one of the main collaboration programmes between vocational training institutions was training on the Brazilian SENAI methodology of technological prospection, which helped to provide vocational training that would prepare workers for employment at least five years into the future.
- 656.** *The Employer spokesperson* said that, while his group endorsed the current wording of the draft decision contained in paragraph 20, it would welcome the inclusion of a second paragraph requesting CINTERFOR to submit information to the Governing Body at its 326th Session in March 2016 on how the lines of action set out in paragraph 11 of the document would be funded and on the results that it expected to achieve during the 2016–17 biennium. He subsequently withdrew that proposal, on the understanding that the group would be provided with the requested information before the Governing Body session in March 2016.

### **Decision**

- 657.** *The Governing Body approved the income and expenditure estimates of the CINTERFOR extra-budgetary account for 2016–17, as set out in Appendix I of document GB.325/PFA/2.*

(GB.325/PFA/2, paragraph 20.)

### **Third item on the agenda**

#### **Other financial questions**

#### **Programme and Budget for 2014–15: Regular budget account and Working Capital Fund (GB.325/PFA/3/1)**

- 658.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that, since the preparation of document GB.325/PFA/3/1 at the end of September 2015,



contributions amounting to CHF12,176,618 had been received from nine member States, as detailed below:

Member States	Contribution received for 2015	Contribution received for arrears	Total contributions received in Swiss francs
Bahamas	3 348	–	3 348
Cuba	1 015	–	1 015
Dominican Republic	171 269	107 329	278 598
Iraq	258 707	304 770	563 477
Myanmar	4 452	–	4 452
Panama	4 065	–	4 065
Paraguay	–	5 189	5 189
Senegal	2 364	–	2 364
Spain	11 314 110	–	11 314 110
<b>Total</b>	<b>11 759 330</b>	<b>417 288</b>	<b>12 176 618</b>

Including contributions received between 1 October and 2 November 2015, the total contributions received in 2015 amounted to CHF296,092,496. Of that amount, CHF255,792,917 represented contributions for 2015 and CHF40,299,579 represented contributions for arrears. The balance due as of 2 November 2015 was CHF166,601,242.

- 659.** *The Worker spokesperson* thanked those member States who had already paid their contributions for 2016 and previous years, and hoped that others would follow suit by the end of 2015. In the light of the information provided in paragraph 9 of the document, his group endorsed the draft decision contained in paragraph 11.
- 660.** *The Employer spokesperson* said that his group endorsed the draft decision contained in paragraph 11.
- 661.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe commended the 20 member States who had already paid their 2016 contributions and settled their arrears. He encouraged those member States who had not yet settled their arrears to do so as soon as possible to avoid losing their voting rights and to enable the Office to pursue its work. His group endorsed the draft decision contained in paragraph 11.

## Decision

- 662.** *The Governing Body delegated its authority under article 16 of the Financial Regulations to the Chairperson who may approve any transfers within the 2014–15 expenditure budget that the Director-General may propose, if needed, prior to the closing of the biennial accounts and subject to the endorsement of such approval by the Governing Body at its 326th Session.*

(GB.325/PFA/3/1, paragraph 11.)

## Audit and Oversight Segment

### Fourth item on the agenda

#### **Independent Oversight Advisory Committee (IOAC): Appointment of members (GB.325/PFA/4)**

- 663.** *The Employer spokesperson* said that his group concurred that there was a need to review the selection process defined in the IOAC terms of reference in order to guarantee its efficiency and cost-effectiveness in the future. His group endorsed the draft decision contained in paragraph 10.
- 664.** *The Worker spokesperson* said that, while his group endorsed the draft decision contained in paragraph 10, care should be taken in the future to ensure gender balance, in addition to equitable geographical representation, in appointments to the IOAC.
- 665.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe thanked the three outgoing members of the IOAC, commended the work of those members standing for reappointment and endorsed the candidature of the proposed new members. His group endorsed the decision contained in paragraph 10.
- 666.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom fully endorsed the benefits, value and importance of the IOAC and considered it complementary to other oversight bodies. IMEC agreed on the need to undertake a full selection process in 2018 to identify replacement members to serve for the period 2019–21. She thanked the three outgoing members for their contribution to the work of the IOAC during the period 2013–15 and welcomed the appointment of the three new members and two reserve candidates proposed. Her group endorsed the draft decision contained in paragraph 10.

### **Decision**

**667. *The Governing Body:***

- (a) *conveyed its appreciation to Ms Eileen Fusco, Ms Hilary Wild and Ms Jeya Wilson for the valuable contributions they had made to the work of the IOAC during the period 2013–15;***
- (b) *appointed Ms Carine Doganis, Mr Barry Greene and Mr N.R. Rayalu as new members of the IOAC for a term of three years commencing on 1 January 2016, and retained the candidatures of Mr Mukesh Arya and Mr Frank Harnischfeger on a reserve list.***

(GB.325/PFA/4, paragraph 10.)

## **Addendum: Appointment of a replacement member to the IOAC**

**(GB.325/PFA/4(Add.))**

- 668.** Following the non-acceptance of the appointment by one of the newly appointed IOAC members, Mr Greene, the Governing Body was called upon to select one of the two candidates on the reserve list as a replacement member, and to retain the other on the reserve list.
- 669.** *The Employer spokesperson* recognized that both candidates on the reserve list were considered to be qualified for the position. His group would recommend the appointment of Mr Frank Harnischfeger (Germany) as the replacement member, but it would be open to join the consensus if strong support emerged for Mr Mukesh Arya (India).
- 670.** *The Worker spokesperson* also supported Mr Harnischfeger as the replacement member.
- 671.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe also supported the appointment of Mr Harnischfeger, based on due consideration for geographical diversity in the Committee.

### **Decision**

- 672.** *The Governing Body appointed Mr Frank Harnischfeger as a member of the IOAC for a term of three years commencing on 1 January 2016, and retained the candidature of Mr Mukesh Arya on the reserve list.*

(GB.325/PFA/4(Add.), paragraph 7.)

## **Fifth item on the agenda**

### **Annual evaluation report 2014–15**

**(GB.325/PFA/5(Rev.))**

- 673.** *The Worker spokesperson* welcomed the largely positive results of the 2013 independent review of ILO high-level evaluations and the Evaluation Office's (EVAL) efforts to enhance the quality and use of evaluations. He welcomed the fact that the assessment conducted by the Joint Inspection Unit (JIU) had ranked the ILO among the top three UN agencies with a demonstrably relevant and effective evaluation function. He endorsed recommendation 1 and invited the Office to ensure greater participation of constituents and workers' organizations in the design, implementation and follow-up to programmes under biennial milestone 2.1. His group agreed with the topics proposed in table 2 and supported the reduced number of evaluations in 2016. The evaluation of the ILO field structure should not be postponed beyond 2017. The evaluation of capacity-building efforts should cut across all outcomes. Constraints on staff must be considered when addressing milestone 3.2 on professionalization of the evaluation function. He inquired about the target on self-evaluations that had not been met but welcomed EVAL's intention despite capacity constraints to improve the quality of evaluations and the recommendations contained therein. EVAL should address shortcomings it had identified in project design, which could pose serious limitations to what evaluations could ultimately measure and lessons they could draw. His group encouraged EVAL to continue to provide additional support to high-budget projects to allow their effectiveness and results to be better documented, especially given the critical gaps identified in box 1. His group fully endorsed recommendation 2.

- 674.** *The Employer spokesperson* said that his group looked forward to receiving the results of the independent assessment of the ILO's evaluation function and hoped that it would bring the ILO's evaluation strategy into closer alignment with its Strategic Policy Framework 2018–21. A key question for Employers would be the extent to which evaluation recommendations and lessons learned were improving and shaping the ILO's work going forward to make it more effective and achieve more impact. He requested more information on the supervisory role of EVAL in assessing the performance of the Evaluation and Impact Assessment section of the International Programme on the Elimination of Child Labour (IPEC). He supported Office efforts to improve evaluation recommendations, but expressed concern about persistent poor project and programme design and insufficient monitoring and reporting. The critical gaps identified in box 1 required immediate attention. His group endorsed recommendation 2 and the draft decision.
- 675.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe commended the Office on having been ranked among the top three UN agencies with a demonstrably relevant and effective evaluation function. The independent assessment of the evaluation function should be conducted in a manner which guaranteed the credibility of its results. While his group welcomed the collaboration between EVAL and the Turin Centre, it requested more information on the impact of training on staff. He encouraged the Office to direct its efforts towards remedying shortcomings in the design of projects and programmes to ensure the effectiveness of evaluations, and to addressing the critical gaps identified in box 1. Clear performance indicators and the inclusion of monitoring and evaluation components at the implementation stage were essential for assessing project performance. He asked why the topic of labour migration proposed by his group had not been selected for the 2018 independent assessment of the evaluation function. He endorsed recommendations 1 and 2.
- 676.** *Speaking on behalf of IMEC*, a Government representative of Norway welcomed the progress made by EVAL in institutionalizing evaluation as a tool for learning and for documenting results, including the "less is more" strategy. It was important to introduce good evaluation practices into the programme implementation process and, crucially, the programme and budget. She welcomed the systematic implementation of the results-based evaluation strategy, with positive results, and the development of effective and objective systems for evaluating project performance. She asked whether assimilating donor evaluation requirements which conflicted with Office-wide evaluation policies could enhance the ILO's evaluation function. IMEC attached great importance to the 2016 independent assessment of the ILO's evaluation function. It should be conducted in a manner which would guarantee its independence, credibility and utility. She generally supported the structure outlined in paragraph 13, but asked how the support secretariat would ensure independence and credibility. The Office should ensure greater evaluability of projects and programmes through better project design. She supported recommendations 1 and 2 and the draft decision.
- 677.** *A representative of the Director-General* (Director, EVAL) concurred that the use of evaluation reports was crucial to the ILO's evaluation function. He stressed that investments in monitoring systems and adequate resources for the evaluation process were key to ensuring the quality of evaluations, particularly impact evaluations. With limited capacity, reducing the number of evaluations could therefore enhance their quality and produce better lessons learned. To overcome capacity constraints EVAL had decided to focus on independent rather than on self-evaluations. It was important for EVAL to play a role in the former to ensure their credibility. In the case of self-evaluations, it could monitor reporting compliance but could not manage them directly. The main problems affecting larger projects concerned design and the need to include better monitoring requirements therein as that affected their evaluability. EVAL was not responsible for improving the design of such projects, as that could compromise their independence. That task belonged to the

Partnerships and Field Support Department and technical departments. The use of the volunteers' network of certified evaluation managers had enabled EVAL to manage its workload. That model to deal with capacity constraints was considered to be cost-efficient in a zero-growth budget and had been emulated by other agencies. EVAL recognized the importance of the involvement of the tripartite constituents in the design, implementation and evaluation of projects as evaluations had shown it enhanced quality on all fronts. The Office's evaluation standards were based on international standards set by the OECD, which were compatible with most donor evaluation requirements. The ILO should manage the evaluation process to facilitate follow-up and the drawing of lessons learned, while taking steps to preserve the independence of such evaluations. The independent evaluation of the ILO's evaluation function would be fully independent, as it had been in 2010. EVAL would provide secretarial support but would not influence results. IPEC's authority to manage independent evaluations pre-dated the current evaluation policy. Discussions were under way with a view to integrating IPEC more fully into the ILO's evaluation strategy. The topic of labour migration proposed by the Africa group had not been selected as an evaluation topic for 2018 as an independent evaluation on migration had been conducted two years previously.

## **Decision**

**678.** *The Governing Body took note of the report in document GB.325/PFA/5(Rev.) and endorsed the recommendations (paragraphs 14 and 64) to be included in the ILO's rolling plan for the implementation of recommendations to be reported on in the annual evaluation report 2015–16. It also confirmed the priorities identified in the report on the programme of work 2016–18.*

(GB.325/PFA/5(Rev.), paragraph 65.)

## **Sixth item on the agenda**

### **Discussions of high-level evaluations (strategy and DWCP evaluations) (GB.325/PFA/6)**

**679.** *The Employer spokesperson* understood that the independent evaluation had gone beyond just evaluating the ILO's Technical Cooperation Strategy 2010–15, also looking at the ILO's performance in implementing it. It would have been useful to evaluate the effectiveness of Governing Body decision-making and implementation of the Strategy, including delivery on outcomes and targets, such as the targets of Decent Work Country Programmes (DWCPs). He expressed surprise that there was insufficient data to evaluate the Strategy's impact. The discussion on the ILO Development Cooperation Strategy 2015–17 was therefore critical. It was necessary to see how the ILO reform and new development cooperation policies and programmes could be more outward looking. It was a concern that DWCPs lacked solid financial foundations and realistic budgets. He welcomed criticism of the narrow view of capacity development, saying that it should be more holistic. Regarding Part II, he regretted the inadequate acknowledgement of the important preventative function of labour inspection. While governments were ultimately responsible for implementing labour laws and ensuring independent and objective labour inspection, and should be the principal recipients of development assistance and labour inspection, the ILO should support balanced tripartite cooperation in that area. The statement at the end of paragraph 63 of document GB.325/PFA/6 gave the impression that the high-level evaluation had its own views about what reliable indicators for strengthening labour inspectorates or demonstrating

improvements in compliance were, but without specifying them the statement was not very helpful and would have no impact. Regarding Part III on DWCPs in the Caribbean, for smaller countries a subregional approach could be more cost effective and have greater impact. His group supported in particular recommendations 1 and 5, and the draft decision.

**680.** *The Worker spokesperson* was pleased to note the strong endorsement in the findings of the Technical Cooperation Strategy evaluation that more needed to be done to make more systematic use of development cooperation to promote the ratification of international labour standards across the four strategic objectives and improve implementation. Proposals on how to guarantee full tripartite consultation on DWCPs would have been welcomed. He expressed concern that in none of the cases reviewed were the DWCPs costed and anchored in budgets. He agreed with the finding that raising capacity went beyond training. DWCPs should have a capacity-building component to prepare trade unions for greater involvement in the development and delivery of DWCPs. The ILO strategy should be based on the development of solid DWCPs that could influence UN development frameworks and contribute to the implementation of the SDGs. The insufficient data on the impact of ILO development cooperation was a concern. The ILO must act on the low efficiency and sustainability ratings contained in table 1. He supported recommendation 1. Recommendation 3 should also refer to ratification of standards. Recommendation 5 must be consistent with the values and principles of the Organization, especially regarding funding from the private sector and international financial institutions. He requested clarification on the flagship reports mentioned in paragraph 41 of the Office response. In respect of paragraph 44, he clarified that workers' organizations could not be expected to make financial contributions to projects. Regarding Part II, he welcomed the alignment of the ILO's strategy and actions to strengthen labour inspection systems with the 2011 Conference conclusions and resolution. He stressed the importance for the ILO to place the ratification of Conventions Nos 81 and 129 at the core of the strategy to strengthen public inspection. Regarding outcome 7 in the transitional strategic plan for 2016–17, results-based criteria – while framed in a generic way – would contribute to strengthening labour inspectorates and improving compliance. He requested reassurance that the Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH) had sufficient staff to perform its mandate, requesting reports on the ratio of staff with labour inspection expertise. Office remedial action in project design was necessary. Serious issues and scope for improvement were identified in Part III concerning the Caribbean. More needed to be done to ensure a systematic design and implementation of approaches based on an analysis of country situations. He agreed with the conclusions and lessons learned and welcomed the recommendations, particularly 4, 5 and 8. He stressed the need to enhance constituents' participation in all phases of DWCPs. He welcomed the Office's readiness to follow-up on the recommendations of the evaluations.

**681.** *Speaking on behalf of the Africa group*, a Government representative of Algeria said that the evaluations had highlighted the deficiencies of the development cooperation programmes and ways to improve them. Financial support was needed to improve the coherence and effectiveness of the programmes so that they had a real impact on the countries involved. It was essential to set quantifiable and measurable objectives that took into account the specific situation of each country to enable the impact of the programmes to be evaluated, particularly in terms of decent work. He supported the recommendation to increase and strengthen the ILO's presence in the field and provide relevant resources. More consistent and focused programmes for reinforcing labour inspectorate systems in terms of skills and human resources were important, as well as mastering techniques and supervisory, advisory and assistance procedures. The reasons for the lack of programme effectiveness and impact should be established. Programmes should be tailored to the specific situation and characteristics of each country. He supported the draft decision.

- 682.** *Speaking on behalf of IMEC*, a Government representative of Belgium urged the Office to act promptly to address the issue identified in the Technical Cooperation Strategy evaluation of insufficient data in order to ensure that constituents benefited from ILO development cooperation and to inform future programming. To increase the effectiveness of its development cooperation, the ILO needed a field office structure that coordinated with other UN agencies. Regarding Part II on labour inspection, projects should be tailored to conditions within each country. She requested further information in relation to the indicators of outcome 7. Regarding Part III, she was troubled that the overall performance in the Caribbean was only moderately satisfactory and that efficiency in the management and implementation of the Office's programmes was rated as somewhat unsatisfactory. She welcomed the Office's positive response to the recommendations. The group supported the draft decision.
- 683.** *A Government representative of Trinidad and Tobago* welcomed the document's recommendations and the Office response, and was encouraged by the measures proposed. Caribbean constituents continued to be well served by the ILO. The 2030 Agenda for Sustainable Development was of particular importance to the region. Trinidad and Tobago was pleased to host the ILO Decent Work Team and Office for the Caribbean and placed high value on the meeting of Caribbean ministers of labour. It would welcome a regional plan.
- 684.** *A Government representative of Bangladesh* agreed with the observation of the Workers and Employers that making the allocation of national resources a prerequisite for project approval would negatively impact the ILO's capacity to serve its constituents, particularly in least developed and developing countries due to their limited ability to mobilize the required resources. Comparing the Office's policy to the policies of other UN specialized agencies would offer a clear direction to optimize programme support costs. Regarding reducing time lags in project start up, he highlighted the situation in Bangladesh where a two-stage process was in place. Instead of two agreements being signed, a single document could be signed jointly by the development partners, the ILO and the national Government. He supported the draft decision.
- 685.** *A representative of the Director-General* (Director, Partnerships and Field Support Department) said that the evaluations and the comments made during the Governing Body session, would provide a clearer picture of what needed to be improved. It was crucial that the ILO consider the impact of its actions. There was an important connection between the institution's values and potential funding. The ILO was based on values that guided the direction and use of financing and of projects. Those values were connected in two ways: cooperation based on international standards and development cooperation based on tripartism. Workers and Employers needed to be able to actively participate in ILO's development cooperation proposals.
- 686.** *A representative of the Director-General* (Director, Governance and Tripartism Department) said that significant efforts had been made by the Office to develop its labour inspection strategy and mobilize resources. It had made resources available for the creation of the Labour Administration, Labour Inspection and Occupational Safety and Health Branch and increased the number of labour inspection specialist posts in the regions and at headquarters. The Office's labour inspection strategy had increased its focus on occupational safety and health and it had increased its intervention capacities at country level. While he acknowledged the need to develop its work through regional programmes, the Office was already undertaking a considerable amount of work through its existing programmes.
- 687.** *A representative of the Director-General* (Regional Director for Latin America and the Caribbean) said that, with a view to addressing concerns regarding coherence and strategy, the Office would use the opportunity of the new biennium to develop a subregional plan and

better define country diagnosis as a basis to better design the corresponding country-specific workplans. Work had already begun on developing an ILO programme strategy for the region, building on the conclusions of the previous two G20 Labour and Employment Ministers Meetings and the DWCPs. There would be country and tripartite consultations. Inefficiencies resulted partly from the lack of more explicit and systematic efforts to take stock and analyse decent work issues. The Office was piloting a new decent work country diagnostic tool in Jamaica, with plans to use it in other countries. It would feed into the reformulated guidebook on DWCPs that was being prepared by the Strategic Programming and Management Department as part of the review of field operations. The Office also continued to participate in the UN system's efforts to establish a common basis for policy dialogue through common multi-country assessments. It planned to develop a broader capacity-building approach for constituents, a clear documentation and communications strategy to enhance the visibility of the ILO's work, and to carry out assessments to identify gender mainstreaming opportunities. The Office was aware of the complexity and specificities of the Caribbean region, which required continued and intense consultation efforts, improved diagnosis and much work on policy coherence and strategy. However, such efforts also required a critical mass of resources, which meant rebalancing to invest more in diagnostic work and high-quality consultations with constituents.

### **Decision**

**688.** *The Governing Body requested the Director-General to take into consideration the findings, lessons learned and recommendations (paragraphs 25–38, 75–82 and 117–126) of the three high-level independent evaluations presented in document GB.325/PFA/6 and to ensure their appropriate implementation.*

(GB.325/PFA/6, paragraph 135.)

## **Seventh item on the agenda**

### **Matters relating to the Joint Inspection**

#### **Unit (JIU): Reports of the JIU**

(GB.325/PFA/7)

**689.** *The Worker spokesperson* said that his group supported the Office's position in relation to the four JIU reports. Concerning the selection and appointment process for United Nations Resident Coordinators, it was important for the ILO to contribute with its own staff to the recruitment process, to promote understanding of the benefits of tripartite work across the UN system. With regard to the review of the management of implementing partners, the group supported the Office's decision to maintain public–private partnerships in line with the previously approved strategic framework of development cooperation. In addition, it encouraged the Office to progress further with the analysis of the resource mobilization function. Lastly, in connection with capital, refurbishment and construction projects, it noted that the Office's rules and practices were aligned with the principles and practices set out in the report.

**690.** *The Employer spokesperson* noted with appreciation that the Office was implementing most of the recommendations that were relevant to ILO action and welcomed the update on the implementation of all recommendations.

**691.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia requested the ILO to expedite the implementation of JIU recommendations. The group noted the JIU's



observation that ILO country offices identified implementing partners in an ad hoc manner. It encouraged the ILO to reconsider its position on recommendation 3 (JIU/REP/2013/4), acceptance of which could avoid duplication of efforts and enhance the ILO's implementation capacity and its coordination with other UN agencies and implementing partners.

**692.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands expressed the group's appreciation for the Office's continued work on implementing the JIU recommendations and the accessible way in which the information was presented to the Governing Body. He noted that recommendation 5 (JIU/REP/2010/8) and recommendation 3 (JIU/REP/2011/7) remained under consideration, since 2010. IMEC considered recommendation 5 to be covered by the Office's recruitment, assignment and placement system, and wished to know when action to implement recommendation 3, on inter-agency mobility of investigative staff, would commence. It encouraged the Office to collaborate with other UN agencies to improve the selection and appointment process for UN resident coordinators, and to focus on posts in countries with key ILO programmes. Recommendations 3 and 9 (JIU/REP/2013/4) had been sufficiently captured by the ILO Development Cooperation Manual and the Office Procedure on implementation agreements. Regarding resource mobilization, contributions should ideally be predictable, long-term and in line with the core mandate of international organizations, and ILO resource mobilization should continue to be reviewed periodically. With respect to JIU's work programme for 2015, IMEC called on the JIU to make specific recommendations for the ILO.

**693.** *A representative of the Director-General* (Director, Strategic Programming and Management Department) informed the Governing Body that the Office encouraged ILO managers to express interest in Resident Coordinator positions, organized coaching and training activities for potential candidates, and worked with the UN system to suggest appointments of ILO officials in countries with ILO programmes. However, he reminded the Governing Body that the selection and appointment to a particular duty station remained the prerogative of the UN Secretary-General. Although the Office had not accepted the recommendation on the review of the management of implementing partners, it had developed a number of procedures and documents in that regard. In relation to the resource mobilization function, the current level of voluntary funding and the immediate outlook showed a relatively stable scenario. That reflected the considerable efforts made to strengthen the design of ILO interventions and to integrate work financed by voluntary funding under an integrated results framework. The Office's resource mobilization strategy was in line with its constituents' needs and presented in its Development Cooperation Strategy 2015–17. It was based on modest increases in, and an improved quality of, the funding in terms of flexibility and predictability. With respect to recommendation 5 (JIU/REP/2010/8) and recommendation 3 (JIU/REP/2011/7), the ILO's selection system was compliant with the recommendation on inter-agency staff mobility. The acceptance and implementation of recommendation 3 related to the investigation function and would require agreement and disciplined coordination across the UN system. Until that time, the ILO acting alone would not work effectively. Moreover, there were concerns regarding the impact of the recommendation on terms and conditions of employment, recruitment and staff development. The Office would continue to work with the JIU on the basis of discussion and exchange.

## Outcome

**694.** *The Governing Body took note of the report and invited the Office to take into consideration the views expressed during its discussion.*

(GB.325/PFA/7.)

## Personnel Segment

### Eighth item on the agenda

#### Statement by the staff representative

**695.** The statement by the Staff Union representative is reproduced in the appendix.

### Ninth item on the agenda

#### Matters relating to the Administrative Tribunal of the ILO: Workload and effectiveness of the Tribunal (GB.325/PFA/9/1(Rev.))

**696.** *The Worker spokesperson* said that his group attached great importance to the work of the Administrative Tribunal. Additional measures were necessary to address its increased caseload, which was largely owing to the significant number of complaints from a single organization, the European Patent Organisation (EPO). The problems encountered within the EPO appeared to be ongoing and substantial, with an increasing number of labour disputes that could not be solved through internal remedies. Government members of the Governing Body that were also members of the EPO should raise concerns within the governing structure of the EPO over the management of human resources and the need to establish good industrial relations. Alternative measures such as mediation could also be considered to address staff issues within the EPO. If those measures failed, the EPO should consider establishing its own internal judicial system. The Workers agreed on the need to find an urgent, practicable and time-bound solution to adjudicate all EPO complaints in a manner that allowed the Tribunal to fulfil its mandate and serve effectively the other organizations that had recognized its jurisdiction. The conditions for the acceptance of new organizations could be reviewed to ensure that they had effective internal remedies compatible with the role of the Tribunal as a final adjudicatory mechanism. The Tribunal was otherwise functioning well. Shortening delivery times and other means of maintaining the quality of judgments were matters for the Tribunal, not the Governing Body. He therefore proposed deleting subparagraph (b) of the draft decision. Furthermore, he proposed removing “the selection process of judges” from subparagraph (c), as the existing procedure for the appointment of judges was sound and transparent. Lastly, he agreed that Article XII of the Statute of the Administrative Tribunal should be amended in order to ensure the principle of equality of access to the review procedure and to remove the imbalance to the detriment of staff members. The Workers supported the draft decision, subject to the proposed amendments.

**697.** *The Employer spokesperson* said that, according to updated information provided by the Tribunal that day, almost 90 per cent of all complaints filed in 2015 came from the EPO, which pointed to a problem within the EPO rather than the Tribunal. Like the Workers’ group, the Employers’ group supported subparagraph (a) of the draft decision, the removal of subparagraph (b) and the proposed amendment to subparagraph (c). While he had taken note of the areas of the Tribunal’s operations that could be improved, he did not consider them to be within the strategic role of the Governing Body.

**698.** *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that the workload of the Administrative Tribunal had steadily increased, without a corresponding

increase in the output, leading to an increase in the number of pending cases. While other factors presented challenges, the main difficulty the Tribunal faced was not the number of new member organizations in the last decade, but the number of cases brought against the EPO by its staff. The group noted with concern that that was a serious impediment to the Tribunal's ability to deliver effectively on its mandate by providing redress to the many international employees who needed it, and encouraged the ILO to deploy its expertise in social dialogue to further assist the EPO in reducing litigation. The Africa group endorsed the draft decision and requested the Office to report to the Governing Body on progress.

- 699.** *Speaking on behalf of IMEC*, a Government representative of the United States noted that the increasing caseload of the Tribunal was partly the result of a growing number of organizations that had accepted its jurisdiction, which itself was a positive development. However, the growing caseload, coupled with mitigating factors, had put a significant strain on the Tribunal's capacity to manage its workload effectively. Further steps were required to restore the efficiencies of the Tribunal and enable it to discharge its backlog. The group agreed with the principal findings of the report and the draft decision, and strongly endorsed the request for the Director-General to initiate discussions with the EPO without delay to identify a solution to reduce the number of complaints generated and enable the Tribunal to serve all member organizations efficiently and effectively.
- 700.** *A Government representative of France* expressed concern at the Tribunal's increasing workload and invited the ILO and the EPO to find a solution as quickly as possible to allow the Tribunal to carry out its mandate effectively.
- 701.** *A representative of the Director-General (Legal Adviser)* said that the selection process of judges had been included in subparagraph (c), not with a view to amending the selection criteria, but to increase transparency by including both the selection criteria and the selection process in the Tribunal's Statute. Concerning the proposed deletion of subparagraph (b), he sought clarification as to whether the Office should pursue consideration of the other possible improvements proposed.
- 702.** *The Worker spokesperson* said that the wording of subparagraph (c) could be seen as going beyond a codification of the current selection process. The reason for the proposed deletion of subparagraph (b) was because the text implied that the Tribunal was not functioning properly, whereas the real cause of the current difficulties was specific to the situation in the EPO. The deletion of subparagraph (b) did not preclude consideration of possible improvements to the functioning of the Tribunal, but the responsibility for deciding any change in the Tribunal's rules lay with the Tribunal as an independent body.
- 703.** *The Employer spokesperson* agreed with the Worker spokesperson that the language of subparagraph (c) was unclear. His group had no objection to publishing the existing selection process; however, there should be no suggestion that the selection process needed to change. Regarding subparagraph (b), the Office and the Tribunal did not require authorization from the Governing Body to consider and implement the proposed operational improvements such as the introduction of an e-filing system.

**Decision**

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

- (a) to initiate without delay discussions with the European Patent Organisation (EPO), in consultation with the Tribunal as required, in order to identify a solution to the difficulties caused by the number of complaints generated within the EPO and which threaten the ability of the Tribunal to serve all other member organizations, and to report to the Governing Body at its next session;*
- (b) to prepare draft amendments to the Tribunal's Statute relating to Article XII and the conditions of admission of new organizations, for consideration by the Governing Body.*

(GB.325/PFA/9/1(Rev.), paragraph 33, as amended.)

**Recognition of the Tribunal's jurisdiction  
by two international organizations  
(GB.325/PFA/9/2)**

**705. *The Employer spokesperson*** supported the draft decision.

**706. *The Worker spokesperson*** also supported the draft decision.

**707. *Speaking on behalf of the Africa group***, a Government representative of Ghana proposed, in the light of the discussion on the functioning of the Tribunal that, in addition to the eligibility criteria, the Director-General could in future scrutinize the internal remedies set out by applicant organizations to ensure that they were compatible with the Tribunal's role as a final adjudicatory mechanism. Her group supported the draft decision.

**Decision**

**708. *In the light of the information presented in document GB.325/PFA/9/2, the Governing Body approved the recognition of the Tribunal's jurisdiction by the Global Community Engagement and Resilience Fund (GCERF) and the Center of Excellence in Finance (CEF), with effect from Monday, 2 November 2015.***

(GB.325/PFA/9/2, paragraph 18.)

## Appendix I

### **Statement by the Chairperson of the Staff Union Committee to the Programme, Financial and Administrative Section of the Governing Body (325th Session – 2 November 2015)**

Madam Chairperson,

Ladies and gentlemen members of the Governing Body,

Dear colleagues present today,

I again have the honour and pleasure to address you today as Chairperson of the ILO Staff Union, which represents 70 per cent of the staff working at headquarters and in the field.

The purpose of my statement is, as usual, to inform you of the views or concerns of ILO staff members about the decisions that you, members of the Governing Body, will take in this or in other forums.

In the current month of November 2015, there are several concerns occupying the minds of ILO staff members.

The document on the workload and effectiveness of the Administrative Tribunal of the ILO (GB.325/PFA/9/1(Rev.)) first caught our attention. The Staff Union was consulted, along with other staff associations and unions, before the presentation of this document; the Union is grateful to the Office of the Legal Adviser for taking this approach as part of a healthy consultation process. First of all, the Staff Union would like to recall that this institution is a basic guarantee for ILO employees because their place of work enjoys immunity from legal process and they cannot turn to the national courts when disputes arise concerning their terms and conditions of employment. In fact, when members of staff are faced with a sense of injustice, unfair treatment, and possibly harassment, having exhausted all internal remedies available in their organization, they must be able to turn to a legal body with the level of effectiveness and quality of decision-making to reassure them that their case, their workplace problem, has received close attention, and that a decision will be made objectively by persons with unquestionable expertise in employment rights. What matters to ILO staff is that this Tribunal can today maintain this quality of decision-making, which has contributed significantly to its reputation, and improve its services in the future, when there will be an exponential increase in the number of appeals. Furthermore, looking to possible improvements, the employment stability of staff working in the Tribunal as an essential prerequisite for the independence of any judicial institution, and the possibility for complainants to take part in joint legal proceedings, are major priorities for the ILO Staff Union.

I am not going to comment on or analyse in any detail the current status of the Tribunal but, that said, I will make a general observation that the issue of social dialogue and collective bargaining in international organizations is at the very heart of the problem. If, in some organizations, social dialogue is absent, if consultation and collective bargaining are not in place, if the voices of staff are not heard in formal labour relations settings, then these members of staff will have no other option but to assert their rights through legal means, and in some cases to take mass action.

As for the ILO Staff Union, I repeat it will, of course, be willing to discuss when the time comes any possible future improvements that would not only help maintain the quality of decision-making and independence of this Tribunal, but also to explore all possible solutions to ensure its effectiveness and continuity.

I would now like to report to you, from the staff's viewpoint, on the status of labour relations in the Organization since my statement in March, by raising a few key issues.

You have had the opportunity to familiarize yourself with the update on the internal reform set out in document GB.325/INS/15/1, including the aspects relating to the progress of the review of administrative processes carried out with support from external consultants, as well as with the field operations and structure review. If I had not been a staff representative in this Organization, I would have been pleased, when reading this document, to see how all those review stages appeared to have been completed with disconcerting ease, transparently, and in a consultative atmosphere that seemed to have unashamedly reached an ideal level of social dialogue.

Of course, the staff representatives note with satisfaction that, in effect, engaging in social dialogue on an almost daily basis has provided some favourable outcomes that have satisfied both parties. That was the case on certain subjects such as the transfer of the Abidjan Regional Office, the restructuring of some departments and technical cooperation programmes, individual conflict resolution, the progress of the building renovation and improved building security, as well as the working groups set up to improve our health insurance fund.

However, critical gaps remain in the labour relations institutional framework, which means that the staff representatives cannot show the same complacency that we see expressed in this document.

The reform has hardly been a bed of roses for staff members, as they have the unpleasant impression that they are now in a constant state of reform and that some reform-related decisions are far less anodyne than the impression given by the management when they were first proposed. A case in point is the review of administrative processes: while it was launched on the pretext of simplifying administrative work, it is now turning out to be a major organizational reform, which will undoubtedly have much more significant implications in terms of governance and will inevitably have an impact on staff.

In my statement in March 2015, I already referred to the absolute need for upstream consultation with staff representatives so that this exercise does not fall into the same traps that it has previously and so that it has a chance of success. I was optimistic and naively had the impression that I had been heard. Unfortunately, the first few months were chaotic in terms of social dialogue: to begin with, there was no formal upstream consultation with representatives to discuss the key steps that were planned, the final goals, the working methods and the potential impact of this exercise on the staff. Moreover, turning to external consultants, especially a notorious firm known above all for advising large companies on their social plans, has led to a communications policy that had been quite some distance from, if not the polar opposite of, the terminology traditionally used in our Organization. However, it would appear that, following a number of specific steps taken by the Union, a very recent change of attitude on the management side leaves room to hope for better days where communication is concerned. It is the kind of consultation that staff members will never take lightly, because it is about their duties and because they are best placed to discuss how to make improvements in that regard.

I must let you know that the field structure review featured in the same report has not been a model example of how to consult with staff either. Now that the review is more or less complete, it will be important for staff representatives once again to become closely

involved – in advance rather than retrospectively – in the final stages of its implementation. The post classification exercise currently taking place on the ground is part of this final phase and is already generating a large number of questions from our colleagues. They would like the process to remain true to the initial demands they made in 2010 during the staff engagement phase, and to respect the agreement signed by both management and the Staff Union.

In light of what has happened this year, the Staff Union notes that social dialogue has not been entirely successful and that significant progress still needs to be made, including through this formal dialogue, but also in terms of respecting previous agreements, acknowledging the need for consultation and ensuring equal access to the information needed for future negotiations. If we are to avoid needlessly wasting the Organization's time, then we must treat this as a matter of urgency. In their most recent message to staff, senior managers celebrated the benefits of social dialogue to mark the achievements of the winners of the Nobel Prize in the past two years. The Staff Union would say in response that it is also essential to practise more consistently and coherently within the Organization the things that we are proud to bring to those outside it. In fact, both sides have a responsibility and a historic opportunity to demonstrate to the world that any reform is possible, not in spite of social dialogue but because of it. Just two weeks ago, Staff Union members met at their global meeting and reaffirmed the vision that they should be driving the process of transforming the ILO into a better workplace, as well as representing all staff as an equal and robust social dialogue partner. The Union is ready to fulfil its side of that bargain.

Before turning to the wider issue of conditions of service in the international civil service, I would like to refer once again to the concept of a single ILO and the effective integration of the work of the Turin Centre into the ILO's broader strategies. The Staff Union would once again like to lend its support to the demands made by the Staff Union of the Turin Training Centre, so that the career development of staff at both organizations can be viewed without distinction in terms of recruitment, promotion and tenure. Achieving that would send a strong and encouraging signal.

I now turn to the major issue of concern facing staff at the Organization and all their colleagues from other United Nations organizations.

You are no doubt aware that, at the request of the Fifth Committee of the General Assembly of the United Nations, a review of remuneration packages within the international civil service has now been running for two years at the International Civil Service Commission. The General Assembly is shortly to take a decision on the basis of the Commission's recommendations; those recommendations have already had a very negative impact on all staff concerned.

Distinguished delegates, the proposals were made on the pretext of simplifying the remuneration system. But in fact, the final decisions made during the summer have proved, in the end, to be toxic in a number of ways for the organizations and staff they employ; those decisions are ultimately turning into a pay cut which, moreover, affects the different categories of staff most unfairly.

There have been more than two years of discussions with the management of those organizations and representatives of international federations speaking for all international civil servants;

All the specialized agencies including those with a strong presence in the field have been strongly encouraged to take drastic measures to promote staff mobility;

Incentives have been put in place to attract young people to work in humanitarian affairs;

And after all that, the Commission then proposes a remuneration and benefits package that equates to a 10 per cent pay cut.

Taken together, these proposals primarily affect our colleagues who want to work in hardship locations, who are in single-parent families – and so by implication, women; and they clearly target young staff members with family responsibilities.

What is most shocking is that one of the proposals involves a 6 per cent increase in salaries for directors who are mainly based at the headquarters duty stations.

All these measures have provoked an angry response from all United Nations staff and generated an unprecedented campaign, the culmination of which is to be held in New York in the coming weeks. More than 10,000 members of staff have signed a petition that staff federations will deliver by hand to the UN Secretary-General; they are determined to defend their conditions of service as they were legitimately defined when the United Nations was established.

Distinguished delegates, while the contributor countries which you come from are mostly aware of the challenges facing the United Nations and its specialized agencies, it is the agencies which have a duty to invest in their most valuable asset: the men and women who work there. Indeed, the agencies require committed staff around the world with the best skills; they must make it their duty to attract such people when young and retain them when they have become more experienced with a salary and benefits package and a level of job security commensurate with their qualifications and in line with the principles on which the organizations they serve were founded from the very beginning; that will allow those men and women to accomplish the tasks that contributor countries assign them during the sessions of their executive boards – tasks which, let us not forget, are sometimes done under life-threatening conditions.

Undermining the staff of the United Nations is certainly not a good way to celebrate with dignity the Organization's 70th anniversary that took place last week.

On the contrary, the anniversary should be an opportunity to acknowledge and recognize all the work that the staff members have done since the establishment of this noble institution of global governance, and to provide it with motivational incentives for the future that will allow it to best achieve its objectives.

Thank you for your attention.

Catherine Comte-Tiberghien  
Chairperson  
Staff Union Committee



## Appendix II

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

**325<sup>e</sup> session – Genève – novembre 2015**  
**325<sup>th</sup> Session – Geneva – November 2015**  
**325.<sup>a</sup> reunión – Ginebra – noviembre de 2015**

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**Membres gouvernementaux titulaires**  
**Miembros gubernamentales titulares**
**Titular Government members**  
**Miembros gubernamentales titulares**

**Président du Conseil d'administration:**  
**Chairperson of the Governing Body:**  
**Presidente del Consejo de Administración:**

**Ms M. KAJI (Japan)**

**Algérie    Algeria    Argelia**

M. M. EL GHAZI, ministre du Travail, de  
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*suppléant(s):*

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M. M. KHIAT, secrétaire général, ministère du  
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sociale.

M. F. ZAIDI, directeur général de l'emploi et  
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*accompagné(s) de:*

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M. Z. KHERROUR, secrétaire des affaires  
étrangères, mission permanente, Genève.

M<sup>me</sup> H. KHERROUR, secrétaire des affaires  
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Mr A. SCHLÜTER, Head, International Labour  
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Mr J. FARZAN, Counsellor, International  
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Ms S. GASDE, Head of the Cooperate Social  
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Ms M. WALTHER, Permanent Mission,  
Geneva.

Ms L. DIEKMANN, Permanent Mission,  
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**Angola**

M. A. CORREIA, ambassadeur, représentant  
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*suppléant(s):*

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mission permanente, Genève.

M. A. GUIMARÃES, deuxième secrétaire,  
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**Argentina    Argentina**

Sra. N. RIAL, Secretaria de Trabajo, Ministerio  
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*suplente(s):*

Sr. A. D'ALOTTO, Embajador, Representante  
Permanente, Misión Permanente, Ginebra.

Sr. M. CIMA, Ministro, Representante  
Permanente Alternativo, Misión Permanente,  
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Sr. J. ROSALES, Director de Asuntos Internacionales, Ministerio de Trabajo, Empleo y Seguridad Social.  
Sr. G. CORRES, Jefe del Departamento de Asuntos Internacionales, Ministerio de Trabajo, Empleo y Seguridad Social.

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Sr. L. ABBENANTE, Secretario de Embajada, Misión Permanente, Ginebra.

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## **Brésil    Brazil    Brasil**

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*accompanied by:*

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Ms D. ROCHA MATTOS, Chief of the International Organizations Division, Ministry of Labour and Social Security.  
Mr F. FIGUEIREDO DE SOUZA, Second Secretary, Permanent Mission, Geneva.

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## **Bulgarie    Bulgaria**

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Mr C. LY, Member of the Council of Jurists, Council of Ministers.  
Ms V. SOVANN, Adviser, Ministry of Labour and Vocational Training.  
Mr C. BOU, Labour Counsellor, Ministry of Labour and Vocational Training.  
Mr M. TIEV, Minister's Assistant, Ministry of Labour and Vocational Training.  
Mr S. YANG, Assistant of Labour Counsellor, Ministry of Labour and Vocational Training.

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Mr D. DUAN, Counsellor, Permanent Mission,  
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Mr Y. LIU, Director, Department of  
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Ms B. LI, Director, General Office, Ministry of  
Human Resources and Social Security.  
Mr S. RONG, Director, Department of  
International Cooperation, Ministry of  
Human Resources and Social Security.  
Mr F. TIAN, First Secretary, Permanent  
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**République de Corée**  
**Republic of Korea**  
**República de Corea**

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Mr K. CHOI, Ambassador, Permanent  
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*substitute(s):*

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Ms S. PARK, Director General, International  
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Mr S. CHOI, Labour Attaché, Permanent  
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*accompanied by:*

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Ms S. KWON, Deputy Director, International  
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Ms H. CHOI, Deputy Director, International  
Cooperation Division, Ministry of  
Employment and Labour.  
Mr J. KIM, Deputy Director, International  
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Employment and Labour.

Mr H. KIM, Assistant Director, International  
Labour Affairs Division, Ministry of  
Employment and Labour.

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**Emirats arabes unis**  
**United Arab Emirates**  
**Emiratos Arabes Unidos**

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Mr H. ALSUWAIDI, Assistant Under  
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*substitute(s):*

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*accompanied by:*

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Mr R. ALSHAMSI, First Secretary, Permanent  
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Mr A. FAKHFAKH, Expert in International  
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**Etats-Unis    United States**  
**Estados Unidos**

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## France Francia

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*suppléant(s):*

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*accompagné(s) de:*

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économique et attractivité du territoire  
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## Ghana

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## Inde India

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## République islamique d'Iran Islamic Republic of Iran República Islámica del Irán

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## Italie Italy Italia

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## Japon Japan Japón

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## Kenya

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**Mexique   Mexico   México**


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**Panama   Panamá**


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**Roumanie   Romania  
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**Royaume-Uni  
United Kingdom  
Reino Unido**


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### **Fédération de Russie Russian Federation Federación de Rusia**

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### **Soudan    Sudan    Sudán**

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### **Trinité-et-Tobago Trinidad and Tobago Trinidad y Tabago**

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**Turquie    Turkey    Turquía**


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**Venezuela (Rép. bolivarienne du)  
Venezuela (Bolivarian Rep. of)  
Venezuela (Rep. Bolivariana de)**


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**Zimbabwe**


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**Australie    Australia**

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**Bahreïn    Bahrain    Bahrein**

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**Bangladesh**

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## Belgique Belgium Belgique

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## Brunéi Darussalam Brunei Darussalam

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## Burkina Faso

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## Canada Canadá

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## Colombie Colombia

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**Cuba**


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Sra. A. RODRÍGUEZ CAMEJO, Embajadora, Representante Permanente, Misión Permanente, Ginebra.

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**République dominicaine  
Dominican Republic  
República Dominicana**


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Sra. M. HERNÁNDEZ, Ministra de Trabajo, Ministerio de Trabajo.

*suplente(s):*

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**Espagne Spain España**


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**Ethiopie Ethiopia Etiopía**


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**Indonésie Indonesia**


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**Jordanie    Jordan    Jordania**


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**Lesotho**


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**Lituanie    Lithuania    Lituania**


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**Mali    Malí**


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## Mauritanie    Mauritania

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## Norvège    Norway    Noruega

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Ms C. VIDNES, Counsellor, Labour Affairs, Ministry of Labour and Social Affairs.

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## Pays-Bas    Netherlands Países Bajos

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Mr E. DRIESSEN, Economic Affairs Attaché, Permanent Mission, Geneva.

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**Pologne    Poland    Polonia**


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Ms K. SZAFRON, Permanent Mission, Geneva.

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**République-Unie de Tanzanie  
United Republic of Tanzania  
República Unida de Tanzania**


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Mr D. NICODEMUS, Acting Director of Social Security, Ministry of Labour and Employment.

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**Tchad    Chad**


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**Thaïlande    Thailand  
Tailandia**


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Mr P. SRISUKWATTANA, First Secretary, Permanent Mission, Geneva.

Ms O. SRISUWITTANON, Labour Specialist,  
Professional Level, Bureau of International  
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## Uruguay

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Sr. R. GONZÁLEZ ARENAS, Embajador,  
Representante Permanente, Misión  
Permanente, Ginebra.

*suplente(s):*

Sr. H. BARRETTO, Asesor del Ministerio de  
Trabajo y Seguridad Social.  
Sra. D. PI, Representante Permanente Adjunta,  
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Sra. L. BERGARA, Segunda Secretaria,  
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**Membres employeurs titulaires    Titular Employer members  
Miembros empleadores titulares**

<b>Vice-président du Conseil d'administration: Vice-Chairperson of the Governing Body: Vicepresidente del Consejo de Administración:</b>	<b>Mr J. RØNNEST (Denmark)</b>
<b>Secrétaire du groupe des employeurs: Secretary of the Employers' group: Secretario del Grupo de los Empleadores:</b>	<b>Ms L. KROMJONG (IOE)</b>
<b>Secrétaire adjoint du groupe des employeurs: Deputy Secretary of the Employers' group: Secretario adjunto del Grupo de los Empleadores:</b>	<b>Sr. R. SUÁREZ SANTOS (IOE)</b>

Sr. A. ECHAVARRÍA SALDARRIAGA (Colombia), Vicepresidente, Asuntos Jurídicos y Sociales, Asociación Nacional de Empresarios de Colombia (ANDI).

Ms R. GOLDBERG (United States), United States Council for International Business (USCIB).

Ms R. HORNUNG-DRAUS (Germany), Managing Director, Confederation of German Employers' Associations.

Mr H. MATSUI (Japan), Senior Adviser, International Cooperation Bureau, Nippon-Keidanren /Japan Business Federation (NICC).

Mr K. MATTAR (United Arab Emirates), Adviser, Federation of United Arab Emirates Chambers of Commerce and Industry (FCCI).

M. M. MEGATELI (Algérie), secrétaire général, Confédération générale des entreprises algériennes.

Ms J. MUGO (Kenya), Executive Director, Federation of Kenya Employers (FKE).

Mr P. O'REILLY (New Zealand), Chief Executive, Business New Zealand.

M<sup>me</sup> G. PINEAU (France), directrice adjointe, affaires sociales, européennes et internationales, Mouvement des entreprises de France (MEDEF).

Mr K. RAHMAN (Bangladesh), Adviser to the Executive Committee, Bangladesh Employers' Federation.

Mr J. RØNNEST (Denmark), Vice-Chairperson of the ILO Governing Body, Confederation of Danish Employers (DA).

Mr C. SYDER (United Kingdom), Partner, Penningtons Manches LLP.

Sr. A. URTECHO LÓPEZ (Honduras), Asesor Legal, Consejo Hondureño de la Empresa Privada.

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Mr M. CONZEMIUS, accompanying Ms Hornung-Draus.

Membres employeurs adjoints	Deputy Employer members
Miembros empleadores adjuntos	

Mr O. ALRAYES (Bahrain), Board Member, Bahrain Chamber of Commerce and Industry.

Sr. M. CERETTI (Argentina), Director Ejecutivo, Cámara de Industriales de Productos Alimenticios.

Ms S. CHOI (Republic of Korea), Director, International Affairs Team, Korea Employers' Federation.

M. K. DE MEESTER (Belgique), premier conseiller, Fédération des entreprises de Belgique (FEB).

M. H. DIOP (Sénégal), secrétaire général, Conseil national du patronat du Sénégal (CNP).

Mr A. FRIMPONG (Ghana), Ghana Employers' Association (GEA).

Ms L. HORVATIC (Croatia), Director of International Relations and EU Affairs, Croatian Employers' Association (CEA).

Sr. J. LACASA ASO (España), Secretario General, Confederación Española de Organizaciones Empresariales (CEOE).

Sr. A. LINERO (Panamá), Asesor y Miembro de la Comisión Laboral, Consejo Nacional de la Empresa Privada (CONEP).

Ms H. LIU (China), Deputy Director, China Enterprise Confederation (CEC).

Mr M. MDWABA (South Africa), Chairman, Tzoro.

Ms M. MOSKVINA (Russian Federation), Russian Union of Industrialists and Entrepreneurs (RSPP).

Sr. J. ROIG (Venezuela, República Bolivariana de), Presidente, Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela (FEDECAMARAS).

Ms S. ROMCHATTHONG (Thailand), Secretary General, Employers' Federation of Thailand.

Mr T. SCHOENMAECKERS (Netherlands), Manager for Social Affairs, VNO-NCW.

Sr. M. TERÁN (Ecuador), Coordinador IOE/OIT, Federación Nacional de Cámaras de Industrias del Ecuador.

Mr A. WALCOTT (Barbados), Executive Director, Barbados Employers' Confederation (BEC).

Mr P. WOOLFORD (Canada), Executive Director, Canadian Employers Council.

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**Membres suppléants assistant à la session:**  
**Substitute members attending the session:**  
**Miembros suplentes presentes en la reunión:**

M. B. MATTHEY (Suisse), directeur général, Fédération des entreprises romandes Genève (FER-GE).

**Autres personnes assistant à la session:**  
**Other persons attending the session:**  
**Otras personas presentes en la reunión:**

Mr N. HAZELMAN (Fiji).  
 Mr B. PANT (India).

<b>Membres travailleurs titulaires    Titular Worker members</b> <b>Miembros trabajadores titulares</b>	
<b>Vice-président du Conseil d'administration:</b> <b>Vice-Chairperson of the Governing Body:</b> <b>Vicepresidente del Consejo de Administración:</b>	<b>M. L. CORTEBEECK (Belgique)</b>
<b>Secrétaire du groupe des travailleurs:</b> <b>Secretary of the Workers' group:</b> <b>Secretaria del Grupo de los Trabajadores:</b>	<b>Sra. R. GONZÁLEZ (ITUC)</b>
<b>Secrétaire adjoint du groupe des travailleurs:</b> <b>Deputy Secretary of the Workers' group:</b> <b>Secretaria adjunta del Grupo de los Trabajadores:</b>	<b>Ms E. BUSSE (ITUC)</b>

Mr K. ASAMOAH (Ghana), Secretary General, Ghana Trade Union Congress (TUC).

Mr F. ATWOLI (Kenya), General Secretary, Central Organization of Trade Unions (COTU K).

Ms A. BUNTENBACH (Germany), Deutscher Gewerkschaftsbund (DGB).

Mr R. CHANDRASEKHARAN (India), President, INTUC Kerala Branch.

M. L. CORTEBEECK (Belgique), Vice-président du Conseil d'administration du BIT, Président d'honneur, Confédération des syndicats chrétiens de Belgique (ACV-CSC).

Sra. M. FRANCISCO (Angola), Secretaria para Relaciones Internacionales, Unión Nacional de los Trabajadores de Angola, Confederación Sindical (UNTA-CS).

Mr S. GURNEY (United Kingdom), Labour Standards and World Trade, Trade Union Congress (TUC).

Mr G. JIANG (China), Executive Committee Member, All China Federation of Trade Unions.

Ms H. KELLY (New Zealand), President, New Zealand Council of Trade Unions (NZCTU).

Sr. G. MARTÍNEZ (Argentina), Secretario internacional, Confederación General del Trabajo (CGT).

Mr K. ROSS (United States), Deputy Policy Director, American Fed. of Labor and Congress of Indus. Organization (AFL-CIO).

Mr T. SAKURADA (Japan), Takashimaya Labour Union.

Mr M. SHMAKOV (Russian Federation), President, Federation of Independent Trade Unions of Russia.

M. B. THIBAUT (France), Confédération générale du travail (CGT).

M. P. COUTAZ, accompagnant M. Thibault.

Ms M. HAYASHIBALA, accompanying Mr Sakurada.

M<sup>me</sup> V. ROUSSEAU, accompagnant M. Cortebееck.

Mr F. ZACH, accompanying Ms Buntenbach.

Mr A. ZHARKOV, accompanying Mr Shmakov.

Membres travailleurs adjoints	Deputy Worker members
Miembros trabajadores adjuntos	

Mr M. AL MAAYTAH (Jordan), President, General Federation of Jordanian Trade Unions (GFJTU).

Mr A. AMANCIO VALE (Brazil), Executive Director, Secretaria de Relações Internacionais, Central Única dos Trabalhadores (CUT).

Mr Z. AWAN (Pakistan), General Secretary, Pakistan Workers' Federation (PWF).

Ms S. CAPPuccio (Italy), Confederazione Generale Italiana del Lavoro.

Sra. I. CÁRCAMO (Honduras), Secretaria de Educación, Confederación Unitaria de Trabajadores de Honduras (CUTH).

Ms M. CLARKE WALKER (Canada), Executive Vice-President, Canadian Labour Congress.

Mr P. DIMITROV (Bulgaria), President, Confederation of Independent Trade Unions in Bulgaria.

M<sup>me</sup> A. EL AMRI (Maroc), Union marocaine du travail (UMT).

Sra. E. FAMILIA (República Dominicana), Vicepresidenta encargada de Política de Equidad de Género, Confederación Nacional de Unidad Sindical (CNUS).

M. M. GUIRO (Sénégal), secrétaire général, Confédération nationale des travailleurs du Sénégal.

Mr S. IQBAL (Indonesia), President, Confederation of Indonesian Trade Unions (CITU).

Ms M. LIEW KIAH ENG (Singapore), SMOU General Secretary.

M. E. MANZI (Rwanda), secrétaire général, Centrale des syndicats des travailleurs du Rwanda (CESTRAR).

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Mr F. HO, accompanying Mr Liew Kiah Eng.

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**Membres suppléants assistant à la session:**  
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**Miembros suplentes presentes en la reunión:**

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**Representatives of other member States of the Organization present at the session**  
**Representantes de otros Estados Miembros de la Organización presentes en la reunión**

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 Ms N. NOTUTELA, Deputy Permanent Representative, Permanent Mission, Geneva.  
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 Mr M. NDARA, Director, Office of the Deputy Minister, Ministry of Labour.  
 Ms P. SALUSALU, Private Secretary to the Minister of Labour.  
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**Autriche    Austria**

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 Ms N. SHAMEEM, Permanent Representative, Permanent Mission, Geneva.  
 Mr S. SHARMA, Solicitor General.  
 Ms S. DAUNABUNA, Acting Permanent Secretary, Ministry for Employment, Productivity and Industrial Relations.  
 Ms R. MANI, Senior Legal Officer, Solicitor General's Office.

## Finlande Finland Finlandia

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 Mr R. KLINGE, Minister, Deputy Permanent Representative, Permanent Mission, Geneva.

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## **Gabon    Gabón**

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M. F. MANGONGO, conseiller chargé des  
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## **Grèce    Greece    Grecia**

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Mr I. MICHELOGIANNAKIS, Counsellor,  
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Ms M. GKOUVA, Official, Directory of  
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## **Guatemala**

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Sr. O. ENRÍQUEZ, Ministro de Trabajo y  
Previsión Social.  
Sr. M. GARCÍA, Viceministro de Trabajo y  
Previsión Social.  
Sr. N. VÁSQUEZ PIMENTEL, Magistrado de  
la Corte Suprema de Justicia.  
Sr. F. VILLAGRÁN DE LEÓN, Embajador,  
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Permanente, Ginebra.  
Sra. M. BOLAÑOS, Embajadora,  
Representante Permanente Alterna, Misión  
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Sra. C. CÁCERES, Primera Secretaria, Misión  
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## **Guinée    Guinea**

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M. A. DIANE, ambassadeur, représentant  
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M. A. CISSE, conseiller chargé des questions  
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## **Guinée équatoriale Equatorial Guinea    Guinea Ecuatorial**

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M. G. EKUA SIMA, premier secrétaire et  
chargé d'affaires, mission permanente,  
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M. H. BEDAYA, attaché, mission permanente,  
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## **Honduras**

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Sr. G. RIZZO-ALVARADO, Embajador,  
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Permanente, Ginebra.  
Sra. G. GÓMEZ GUIFARRO, Primera  
Secretaria, Misión Permanente, Ginebra.  
Sra. M. PÁEZ, Misión Permanente, Ginebra.  
Sra. S. HOPPERT ORELLANA, Misión  
Permanente, Ginebra.

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## **Hongrie    Hungary    Hungría**

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Ms Z. HORVÁTH, Ambassador Extraordinary  
and Plenipotentiary, Permanent  
Representative, Permanent Mission,  
Geneva.  
Ms A. SZARVAS, Senior Adviser, Ministry of  
National Economy.  
Ms Z. TVARUSKÓ, Third Secretary,  
Permanent Mission, Geneva.

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## **Iraq**

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Mr S. ALSAADI, Third Secretary, Permanent  
Mission, Geneva.  
Mr M. JASIM, Third Secretary, Permanent  
Mission, Geneva.

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## **Irlande    Ireland    Irlanda**

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Ms P. O'BRIEN, Ambassador, Permanent  
Representative, Permanent Mission,  
Geneva.  
Mr J. NEWHAM, Minister Counsellor and  
Deputy Permanent Representative to the  
WTO, Permanent Mission, Geneva.



Ms S. O'CARROLL, Assistant Principal  
Officer, Department of Jobs, Enterprise and  
Innovation.

### **Israël Israel**

Mr E. MANOR, Ambassador, Permanent  
Representative, Permanent Mission,  
Geneva.  
Ms J. GALILEE-METZGER, Counsellor,  
Permanent Mission, Geneva.  
Ms Y. FOGEL, Adviser, Permanent Mission,  
Geneva.

### **Lettonie Latvia Letonia**

Mr J. KARKLINS, Ambassador Extraordinary  
and Plenipotentiary, Permanent Mission,  
Geneva.  
Mr E. KORCAGINS, Director, Legal  
Department, Ministry of Welfare.  
Ms K. KOSA-AMMARI, Counsellor,  
Permanent Mission, Geneva.

### **Liban Lebanon Líbano**

M<sup>me</sup> N. ASSAKER, ambassadeur, représentant  
permanent, mission permanente, Genève.  
M. A. ARAFA, conseiller, mission permanente,  
Genève.  
M. H. CHAAR, conseiller, mission  
permanente, Genève.

### **Libye Libya Libia**

Mr A. TAMTAM, Counsellor, Permanent  
Mission, Geneva.

### **Luxembourg Luxemburgo**

M. J. HOSCHEIT, ambassadeur, représentant  
permanent, mission permanente, Genève.  
M. D. DA CRUZ, représentant permanent  
adjoint, mission permanente, Genève.  
M<sup>me</sup> T. KONIECZNY, chargée de mission,  
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M<sup>me</sup> A. FOHL, assistante, mission permanente,  
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### **Malaisie Malaysia Malasia**

Mr U. BIN ABDULLAH, Labour Attaché,  
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### **Maroc Morocco Marruecos**

M. M. AUAJJAR, ambassadeur, représentant  
permanent, mission permanente, Genève.  
M. H. BOUKILI, représentant permanent  
adjoint, mission permanente, Genève.  
M. K. ATLASSI, conseiller, mission  
permanente, Genève.

### **Mozambique**

Mr J. CHISSANO, Minister Plenipotentiary,  
Chargé d'Affaires a.i., Permanent Mission,  
Geneva.  
Mr J. DENGGO, Counsellor, Permanent Mission,  
Geneva.

### **Myanmar**

Mr M. WAI, Ambassador Extraordinary and  
Plenipotentiary, Permanent Representative,  
Permanent Mission, Geneva.  
Mr H. LYNN, Acting Director-General,  
International Organizations and Economic  
Department, Ministry of Foreign Affairs.  
Mr M. SOE, Ambassador, Deputy Permanent  
Representative, Permanent Mission,  
Geneva.  
Mr W. TUN, Minister Counsellor, Permanent  
Mission, Geneva.  
Mr K. NYEIN, Minister Counsellor, Permanent  
Mission, Geneva.  
Ms S. WIN, Counsellor, Permanent Mission,  
Geneva.  
Mr T. NAING, First Secretary, Permanent  
Mission, Geneva.  
Ms T. TUN, First Secretary, Permanent  
Mission, Geneva.  
Mr T. WIN, Third Secretary, Permanent  
Mission, Geneva.  
Ms M. SWE, Attaché, Permanent Mission,  
Geneva.

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## Népal Nepal

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Mr L. KHANAL, Second Secretary, Permanent Mission, Geneva.

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## Nicaragua

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Sr. H. ESTRADA ROMÁN, Embajador, Representante Permanente, Misión Permanente, Ginebra.

Sr. N. CRUZ, Representante Permanente Alterno, Misión Permanente, Ginebra.

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## Nigéria Nigeria

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Mr O. ILLOH, Permanent Secretary, Federal Ministry of Labour and Productivity.

Ms T. BRAIMAH, Director, Productivity Measurement and Labour Standards, Federal Ministry of Labour and Productivity.

Mr A. ESSAH, Resident Labour Attaché, Permanent Mission, Geneva.

Mr J. OLAREWAJU, Director General (MINILS), Federal Ministry of Labour and Productivity.

Mr A. MOHAMMED, Director-General (NDE), Federal Ministry of Labour and Productivity.

Mr A. AKOR, Director General (NPC), Federal Ministry of Labour and Productivity.

Mr A. MUNIR, Managing Director (NSITF), Federal Ministry of Labour and Productivity.

Mr H. USMAN, Chief Registrar (IAP), Federal Ministry of Labour and Productivity.

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## Nouvelle-Zélande New Zealand Nueva Zelandia

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Ms M. DAVIS, Policy Adviser, UN Agencies and Environment, Permanent Mission, Geneva.

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## Pérou Peru Perú

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Sr. L. CHÁVEZ BASAGOITIA, Embajador, Representante Permanente, Misión Permanente, Ginebra.

Sra. M. MASANA GARCÍA, Ministra, Representante Permanente Alterna, Misión Permanente, Ginebra.

Sra. S. ALVARADO SALAMANCA, Segunda Secretaria, Misión Permanente, Ginebra.

Sr. M. MUNDACA PEÑARANDA, Segundo Secretario, Misión Permanente, Ginebra.

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## Philippines Filipinas

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Ms M. VALDERRAMA, Labour Attaché, Permanent Mission, Geneva.

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## Portugal

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M. P. PARDAL, conseiller, mission permanente, Genève.

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## Qatar

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Mr A. AL-KHULAIFI, Minister of Labour and Social Affairs.

Mr M. AL-SULAITI, Minister's Office Director, Ministry of Labour and Social Affairs.

Mr F. AL-HENZAB, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission, Geneva.

Mr M. AL-SIDDIQI, Representative of the Ministry of Labour and Social Affairs, Permanent Mission, Geneva.

Mr A. AL-HAMMADI, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr S. AL-MARRI, Director of the Legal Affairs Department, Ministry of Labour and Social Affairs.

Dr M. SHOTAR, Financial and Administrative Consultant, Ministry of Labour and Social Affairs.

Mr F. AL-DOSARI, Administrative Affairs Researcher, Ministry of Labour and Social Affairs.

Ms L. KHALED, Research Officer, Permanent Mission, Geneva.

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**Serbie    Serbia**


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Mr V. MLADENOVIC, Ambassador,  
Permanent Representative, Permanent  
Mission, Geneva.

Mr M. DURDEVIC, Third Secretary,  
Permanent Mission, Geneva.

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**Singapour    Singapore  
Singapore**


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Mr K. FOO, Ambassador Extraordinary and  
Plenipotentiary, Permanent Representative,  
Permanent Mission, Geneva.

Mr J. HAN, Deputy Permanent Representative,  
Permanent Mission, Geneva.

Ms J. BOO, First Secretary, Permanent  
Mission, Geneva.

Mr D. HO, Assistant Director, Workplace  
Policy and Startegy Division, Ministry of  
Manpower.

Mr D. SINGH, Prosecutor, Legal Services  
Division, Ministry of Manpower.

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**Slovénie    Slovenia  
Eslovenia**


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Ms J. TRAVNIK, Deputy Permanent  
Representative, Permanent Mission,  
Geneva.

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**Soudan du Sud    South Sudan  
Sudán del Sur**


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Mr C. CYERDIT, Minister Plenipotentiary,  
Permanent Mission, Geneva.

Ms G. LOMODONG, First Secretary,  
Permanent Mission, Geneva.

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**Sri Lanka**


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Mr R. ARYASINHA, Ambassador and  
Permanent Representative, Permanent  
Mission, Geneva.

Ms S. JAYASURIYA, Deputy Permanent  
Representative, Permanent Mission,  
Geneva.

Mr C. PERERA, First Secretary, Permanent  
Mission, Geneva.

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**Suède    Sweden    Suecia**


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Mr H. DAHLGREN, State Secretary, Prime  
Minister's Office.

Ms S. BECKER, Senior Adviser, Prime  
Minister's Office.

Ms V. BARD, Ambassador, Permanent  
Representative, Permanent Mission,  
Geneva.

Mr T. JANSON, Deputy Director, Ministry of  
Employment.

Ms H. MARSK, Programme Manager, Swedish  
International Development Cooperation  
Agency.

Mr O. EKÉUS, Counsellor, Permanent  
Mission, Geneva.

Ms A. FALK, Permanent Mission, Geneva.

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**Suisse    Switzerland    Suiza**


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M. J.-J. ELMIGER, ambassadeur, secrétariat  
d'Etat à l'économie (SECO), affaires  
internationales du travail.

M. Y. EGGER, SECO, affaires internationales  
du travail.

M<sup>me</sup> K. FEDERER, SECO, affaires  
internationales du travail.

M. L. KARRER, mission permanente, Genève.

M<sup>me</sup> N. STEGMANN, mission permanente,  
Genève.

M. A. MEIER, SECO, affaires internationales  
du travail.

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**République tchèque  
Czech Republic  
República Checa**


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Mr J. KÁRA, Ambassador, Permanent  
Representative, Permanent Mission,  
Geneva.

Ms M. HOMOLKOVÁ, First Secretary,  
Permanent Mission, Geneva.

Mr D. MACHÁCKOVÁ, Permanent Mission,  
Geneva.

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**Tunisie    Tunisia    Túnez**

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M. W. DOUDECH, ambassadeur, représentant  
permanent, mission permanente, Genève.

M<sup>me</sup> C. KOCHLEF, conseiller, mission  
permanente, Genève.

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**Viet Nam**

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Mr H. KHONG, Third Secretary, Permanent  
Mission, Geneva.

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**Représentants d'autres Etats non membres assistant à la session  
Representatives of non-member States present at the session  
Representantes de otros Estados no Miembros presentes en la reunión**

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**Saint-Siège    The Holy See  
Santa Sede**

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M. S.E. archevêque Silvano M. TOMASI,  
Nonce Apostolique, observateur permanent  
du Saint-Siège, mission permanente,  
Genève.

M<sup>gr</sup> M. DE GREGORI, attaché, mission  
permanente, Genève.

M. P. GUTIÉRREZ, mission permanente,  
Genève.

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**Représentants d'organisations internationales gouvernementales**  
**Representatives of international governmental organizations**  
**Representantes de organizaciones internacionales gubernamentales**

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**African Regional Labour Administration Centre (ARLAC)**

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Mr D. NEBURAGHO, Director.

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**Organisation arabe du travail**

**Arab Labour Organization**

**Organización Árabe del Trabajo**

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Mr F. AL-MUTAIRI, Director-General.

Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.

Ms D. SAEED, Chief of Cabinet.

Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

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**Union européenne**

**European Commission**

**Unión Europea**

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Mr P. SØRENSEN, Ambassador, Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Mr D. PORTER, Minister Counsellor, Deputy Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Ms N. TOLSTOI, Counsellor, Health and Social Section, Permanent Delegation of the European Union to the United Nations in Geneva.

Mr T. BENDER, Head of External relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Ms E. PICHOT, Team Leader, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Mr L. DIALLO, Policy Officer, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Ms S. DE SANTIS, Permanent Delegation of the European Union to the United Nations in Geneva.

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**European Public Law Organization**

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Mr G. PAPADATOS, Permanent Observer to the ILO.

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**Organisation des Nations Unies pour l'alimentation et l'agriculture**

**Food and Agriculture Organization of the United Nations**

**Organización de la Naciones Unidas para la Alimentación y la Agricultura**

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Ms S. AVILES, Officer-in-Charge, Senior Adviser, Programme Development and Humanitarian Affairs, FAO Liaison Office in Geneva.

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**Organisation internationale de la francophonie**  
**International Organization of la Francophonie**  
**Organización Internacional de la Francofonía**

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M. A. BARBRY, conseiller pour les questions économiques et de développement.  
M<sup>me</sup> P. DRUGUET, assistante de coopération pour les affaires économiques et le développement.

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**Conseil des ministres du Travail des Etats du Conseil de coopération du Golfe**  
**Labour Ministers' Council of the Gulf Cooperation Council States**  
**Consejo de Ministros de Trabajo de los Estados del Consejo de Cooperación del Golfo**

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Mr A. ALJASIM, Director-General.  
Mr A. AWADH, Director of International and Public Relations.  
Mr A. AL SEDDEEQI, Legal Researcher.  
Mr A. ALMAHRI, Ambassador, Permanent Observer, Permanent Delegation to the Cooperation Council for the Arab States of the Gulf.  
Mr Y. AL NOWAYF, Second Secretary, Permanent Delegation to the Cooperation Council for the Arab States of the Gulf.

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**Union africaine**  
**The African Union**  
**Unión Africana**

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Mr J. EHOZOU, Permanent Observer, Permanent Delegation of the African Union in Geneva.  
Mr G. NAMEKONG, Senior Economist, Permanent Delegation of the African Union in Geneva.  
Ms B. NAIDOO, Social Affairs Officer, Permanent Delegation of the African Union in Geneva.  
Mr P. SONKO, Permanent Delegation of the African Union in Geneva.

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**Banque mondiale**  
**The World Bank**  
**Banco Mundial**

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Ms S. JACKSON, Special Representative to the WTO and UN in Geneva.

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**Programme des Nations Unies pour le développement**  
**United Nations Development Programme**  
**Programa de la Naciones Unidas para el Desarrollo**

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Mr G. MENZA, Private Sector Analyst, UNDP Office in Geneva.

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**Haut-Commissariat des Nations Unies pour les réfugiés**  
**United Nations High Commissioner for Refugees**  
**Oficina del Alto Comisionado de la Naciones Unidas para los Refugiados**

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Ms B. LIPPMAN, Chief of the Operations Solutions and Transitions Section, Division of Programme Support and Management.  
Mr Z. AYOUBI, Senior Livelihood Officer, Operations Solutions and Transitions Section, Division of Programme Support and Management.

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**Organisation mondiale du commerce**

**World Trade Organization**

**Organización Mundial del Comercio**

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Mr S. MATHUR, Counsellor, Trade and Environment Division.



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

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**Business Africa**

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Ms J. MUGO, Secretary-General.

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

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Ms L. KROMJONG, Secretary-General.

Mr R. SUÁREZ SANTOS, Deputy Secretary-General.

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

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Mr H. KONKOLEWSKY, Secretary-General.

Ms D. LEUENBERGER, Head, Resources and Services Unit.

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

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Ms R. GONZALEZ, Director, Geneva Office.

Ms E. BUSSER, Assistant Director, Geneva Office.

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

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Mr A. MEZHOUD, Secretary General.

Mr A. DIALLO, Permanent Representative to the ILO and UN Office in Geneva.

Mr E. BENMOUHOUD.

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**Fédération syndicale mondiale**  
**World Federation of Trade Unions**  
**Federación Sindical Mundial**

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Mr H. EL-MA'ATY MOHAMED, President, General Trade Union of Press, Printing and Information.  
Mr K. SAAD ALLAH, Vice-President, General Trade Union of Press, Printing and Information.  
Mr M. ORABY, President, General Trade Union of Mines and Quarries.  
Mr K. KHEDR, Advisor and Coordinator of GTUPPI and GTUMQ for International Relations.  
Mr G. ABDELMOGHIS.  
Mr K. AISH.  
Mr H. NAGUIB.  
Ms C. SAMIR HENIN.

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

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**Palestine    Palestina**

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Dr I. KHRAISHI, Ambassador, Permanent Observer Mission, Geneva.

Mr I. MUSA, Counsellor, Permanent Observer Mission, Geneva.

Mr R. AWAJA, Attaché, Permanent Observer Mission, Geneva.

Mr M. YOUNES, Permanent Observer Mission, Geneva.