



Governing Body

332nd Session, Geneva, 8–22 March 2018

GB.332/PV

Minutes of the 332nd Session of the Governing Body of the International Labour Office

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of the Governing Body of the
International Labour Office**

The 332nd Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 8 March to Thursday, 22 March 2018, presided over by Mr Luc Cortebeek of Belgium as Chairperson.

The list of persons who attended the session is available on the Governing Body website.

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Institutional Section

1. The Institutional Section met on Monday, 12 March, Thursday, 15 March and Friday, 16 March, and from Tuesday, 20 March to Thursday, 22 March 2018. The Chairperson of the Governing Body, Mr L. Cortebeeck (Worker, Belgium), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr M. Mdwaba (South Africa), was the Employer spokesperson for the Section, except in respect of item 3, “Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work”, where Mr R. Dubey was spokesperson; item 4, “Report of the Tenth European Regional Meeting (Istanbul, 2–5 October 2017)”, where Ms R. Hornung-Draus was spokesperson; item 6, “Results of the implementation of the ILO Action Plan for Gender Equality 2016–17, and outline of the subsequent ILO proposed Action Plan”, where Ms A. Vauchez was spokesperson; item 11, “Reports of the Committee on Freedom of Association”, where Mr A. Echavarría was spokesperson; and item 12, “Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference”, where Mr S. Barklamb was spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of item 3, where Ms A. Brown was spokesperson; item 6, where Ms S. Cappuccio was spokesperson; and item 11, where Mr J.E. Ohrt was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 332nd Session:

Policy Development Section

Employment and Social Protection Segment

(Tuesday, 13 March 2018)

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

Employer spokesperson: Mr B. Matthey

Worker spokesperson: Mr P. Dimitrov

Social Dialogue Segment

(Tuesday, 13 March 2018)

Chairperson: Mr E.A. Essah (Nigeria)

Employer spokespersons:

Item 2, “Sectoral meetings held in 2017 and proposals for sectoral work in 2018–19”:
Mr A. Tan

Item 3, “Follow-up to the IV Global Conference on the Sustained Eradication of Child Labour (Buenos Aires, 14–16 November 2017)”: Ms V. Giuliatti

Worker spokespersons:

Item 2: Mr B. Thibault

Item 3: Mr G. Martínez

Development Cooperation Segment

(Wednesday, 14 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokesperson: Ms J. Mugo

Worker spokespersons:

Item 4, “ILO South–South and triangular cooperation and decent work: Recent developments and future steps”: Mr M. Guiro

Item 5, “An integrated ILO strategy to address decent work deficits in the tobacco sector”: Ms C. Passchier

Multinational Enterprises Segment

(Wednesday, 14 March 2018)

Chairperson: Mr T. Dedieu (France)

Employer spokesperson: Ms R. Hornung-Draus

Worker spokesperson: Mr B. Ntshalintshali

Legal Issues and International Labour Standards Section

Legal Issues Segment

(Wednesday, 14 March and Thursday, 15 March 2018)

Chairperson: Mr G. Corres (Argentina)

Employer spokespersons:

Item 1, “Follow-up to the discussion on 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 a national or a representative”: Mr H. Diop

Item 2, “Composition of the International Labour Conference: Proportion of women and men in delegations”: Ms H. Liu

Worker spokespersons:

Item 1: Ms C. Passchier

Item 2: Ms A. Brown

International Labour Standards and Human Rights Segment

(Thursday, 15 March and Wednesday, 21 March 2018)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Mr F. Yllanes

Worker spokesperson: Ms A. Brown

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

(Monday, 12 March, Tuesday, 13 March, Thursday, 15 March, and Thursday, 22 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokespersons:

Item 1, “ILO programme implementation 2016–17”: Mr M. Mdwaba

Item 2, “Delegation of authority under article 18 of the Standing Orders of the International Labour Conference”; item 3, “Update on the headquarters building renovation project”; item 4, “Report of the Government members of the Governing Body for allocation of expenses”; and item 5, “Other financial questions – Programme and Budget for 2016–17: Regular budget account and Working Capital Fund as at 31 December 2017”: Mr J.M. Lacasa

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment

(Tuesday, 13 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokespersons:

Item 6, “Report of the Independent Oversight Advisory Committee”, and item 7, “Report of the Chief Internal Auditor for the year ended 31 December 2017”: Mr J.M. Lacasa

Item 8, “ILO results-based Evaluation Strategy 2018–21”: Mr K. Ghariani

Worker spokesperson: Ms C. Menne

Personnel Segment

(Tuesday, 13 March and Wednesday, 20 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokesperson: Mr O. Oshinowo

Worker spokesperson: Ms C. Menne

High-Level Section

Working Party on the Social Dimension of Globalization (WP/SDG)

(Monday, 19 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokesperson: Mr M. Mdwaba

Worker spokesperson: Ms C. Passchier

Strategic Policy Segment
(Monday, 19 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokesperson: Ms A. Vauchez

Worker spokesperson: Mr A. Wabba

**Working Party on the Functioning of the Governing Body
and the International Labour Conference**
(Friday, 16 March 2018)

Chairperson: Mr L. Cortebeek (Worker, Belgium)

Employer spokespersons:

Item 1, “Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO”: Mr V. Gill

Item 2, “Functioning of the International Labour Conference: Arrangements for the 107th Session (2018)”, and item 3, “Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations”: Mr S. Barklamb

Item 4, “Review of the role and functioning of the Regional Meetings: Consolidated version of the *Rules for Regional Meetings* and the Introductory Note”:
Ms R. Hornung-Draus

Worker spokesperson: Ms C. Passchier

Committee on Freedom of Association
(Thursday, 8 March to Friday, 9 March 2018)

Chairperson: Mr T. Teramoto (Japan)

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier ¹

Opening remarks by the Director-General

3. *The Director-General* said that some of the issues being addressed at the current session of the Governing Body were difficult and would require members to reach a not-always-easily-obtained tripartite consensus, based on real consideration of the views of others and readiness to find common ground. With regard to the United Nations (UN) reform and its implications for the ILO, the Organization had strongly supported and actively contributed to the reform process, with a view to ensuring a more coherent, more effective UN system that could deliver results, particularly in relation to the 2030 Agenda for Sustainable Development (2030 Agenda). While the Standards Initiative was one of the most ambitious tasks undertaken by the Governing Body, the difficulties relating to the Initiative could be overcome and progress could be made at the current session. The Governing Body had two complaints under article 26 of the ILO Constitution on its agenda, both of which should be addressed objectively, dispassionately and with the sole and explicit aim of securing the full application of the ratified Conventions concerned. The case of Qatar, for which the ILO was establishing a technical cooperation programme, provided an excellent example of a case in

¹ Substituting Ms C. Passchier.

which significant progress had been made. With regard to the 2019 International Labour Conference, the Governing Body must decide whether the second discussion of the standard-setting item on violence and harassment at work should be undertaken, with a view to the adoption of instruments on violence and harassment at work.

4. The report on the implementation of the last ILO Action Plan for Gender Equality and the outline for the next plan should command full attention of the Governing Body, as the plan was central to the realization of the ILO's programme and mandate. The ILO must also review its procedures and protections in respect of sexual harassment and misconduct in order to ensure that it provided a safe and respectful working environment for all. In that connection, a campaign against sexual harassment and misconduct had been launched by the Organization the previous week.
5. With regard to outstanding issues from the 331st Session of the Governing Body, the Office had tabled an integrated strategy to address major decent work deficits in the tobacco sector and broadened the previous, rather limited, focus on child labour. The strategy, if approved by the Governing Body, would serve as a concrete example of the ILO's determination to meet its responsibilities to those working in the sector and to the member States for whom it had particular significance and as a platform for the appropriate mobilization of resources. With regard to the proposed revision of the *Rules for Regional Meetings*, the Office had done its best to produce a consensus text that brought together the views of various parties in the hopes that the upcoming American Regional Meeting would proceed on the basis of a full agreement on the applicable rules. As to the decision of the International Civil Service Commission (ICSC) regarding the post adjustment index for Geneva, while the decision raised important managerial, methodological and legal questions for the ILO and would have a significant impact on its Professional and higher level staff, the draft decision before the Governing Body called for the implementation of the ICSC's decision, which appeared to be the necessary, though difficult, course that must be followed.
6. The renovation of the ILO building was progressing smoothly, on time and within budget, and should be completed in 2019. However, the current works under way constituted only the first phase of renovations, and the Governing Body would have to agree on a way to finance the second phase, which would cover the meeting rooms and ground floor levels of the building. Attention was drawn to the fact that there were clear and considerable cost advantages to ensuring continuity between the two phases of renovations.

First item on the agenda

Approval of the minutes of the 331st Session of the Governing Body ([GB.332/INS/1](#))

7. *An Employer member from South Africa* said that, although he supported the adoption of the minutes of the 331st Session of the Governing Body, he would welcome further information on two of the areas agreed to in the Knowledge Strategy 2018–21, namely, the research agenda for the next biennium and the ways in which the Office would connect with constituents at the regional and national levels. He would also welcome news on the status of the skills programme for migrant workers.

Decision

8. *The Governing Body approved the minutes of its 331st Session, as amended.*

(GB.332/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference (GB.332/INS/2)

9. *The Worker spokesperson* said that she supported the strategic and coherent approach to setting the Conference agenda as foreseen by the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration) and agreed to the inclusion of the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006, on the agenda of the 2018 International Labour Conference if recommended by the Special Tripartite Committee at its meeting in April. The Workers expected that the September meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) would make recommendations on the follow-up to its decisions on occupational safety and health, particularly those related to standard-setting activities. They further expected that the Governing Body would place the relevant items on the Conference agenda and that the Office would allocate the necessary resources. That was an institutional priority, as it would ensure that the ILO had a body of up-to-date standards addressing gaps in workers' protection. Topics for new standards beyond 2019 should also continue to be identified outside the SRM TWG, for example in the future of work discussion, the follow-up to the global supply chains discussions or in technical meetings. With regard to the 2018 Conference agenda, she expressed disappointment that there were no plans to celebrate the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) and the tenth anniversary of the Social Justice Declaration, nor similar anniversaries 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). The 2018 Conference was an opportunity to reinvigorate the campaign for the universal ratification of core Conventions. A discussion on the future of work at the 2019 Conference would need to consider the normative framework that would shape work relations in the twenty-first century. It was essential to support the principles enshrined in the Declaration of Philadelphia by the ratification and implementation of the core Conventions in order to ensure that economic development and social progress went hand in hand.
10. With regard to the agenda of the 2019 Conference, the Workers strongly favoured scheduling the second discussion of the standard-setting item on violence and harassment at work, in order to ensure continuity in the negotiations. The problem, which confronted many workers worldwide, should be addressed in the shortest possible time frame. It was symbolically important to start the ILO's second century with the adoption of a Convention, supplemented by a Recommendation. The group therefore supported the agenda outlined in paragraph 17 of the document. The proposals in paragraphs 18 to 22 for scheduling centenary activities and discussions on the future of work were pertinent but needed further refinement. The Committee on the Application of Standards (CAS) could include a centenary-related component, provided that the Committee could still perform its essential supervisory function without reducing the number of cases. The Director-General's Report to the Conference should be used to transmit the report of the Global Commission on the Future of Work, as that would frame the debate on the Commission's report and facilitate the adoption of an ambitious outcome document. The ILO centenary justified a high-level political tripartite commitment and was the occasion for renewed commitment not only to abstract values, but to putting those values into practice for working women and men. The Workers supported the proposal for the outcome document to be discussed in a Committee of the Whole. With regard to the celebration of the ILO centenary, while space should be reserved on the agenda for dialogues and debates, the interaction between the Committee of the Whole, dialogues and debates, and the plenary needed to be clearly established well in advance.

11. Her group supported the continuation of a strategic approach to setting the agenda of the Conference beyond 2019. Regional Meetings were an important means to promote and implement ILO standards and global priorities but were less appropriate for informing the agenda-setting process for the Conference, given the narrow, regional dimension of the discussions. Subjects for the 2020 Conference and beyond could include standards relating to occupational safety and health, further to the discussions of the SRM TWG. For the 2020 Conference agenda, the Workers supported the proposal for a standard-setting discussion on apprenticeships. Apprenticeship programmes were a useful tool for addressing unemployment and could support the transfer of skills, leading to decent work. The SRM TWG had also identified a regulatory gap in respect of apprenticeships. It was not necessary to hold a meeting of experts to discuss the scope and content of the instrument(s) ahead of the Conference discussion. The usual procedure whereby the Office sent a questionnaire to ILO constituents would be sufficient. The Workers supported the proposal for a Convention supplemented by a Recommendation on a just transition of the world of work towards environmentally sustainable economies and societies for all. That standard would provide a timely ILO contribution to the 2030 Agenda and would appropriately mark the entry into force in 2020 of the Paris Agreement on Climate Action. She preferred to wait for the outcome of the Global Commission's report and the Director-General's Report to the Conference in 2019 before considering the item on inequality. Her group was in favour of further work on the proposed topics listed in the document. With regard to non-standard forms of employment, the need to allocate resources for the Meeting of Experts agreed in the 2015 recurrent discussion on labour protection should be urgently addressed. The lack of follow-up to decisions taken by the supreme governance organ of the Organization was a concern. A standard-setting item on global supply chains should be included in the Conference agenda soon after 2019. Taking those comments into account, the Workers' group supported the draft decision set out in paragraph 32 of the document.
12. *The Employer spokesperson* said that his group was disappointed with the Office's proposals for the 2019 Conference agenda and disagreed that there was wide support for including the second discussion of violence at work. The 2019 Conference agenda should be more focused on the future of work, with three technical committees focusing on especially important aspects of that subject, namely, the changing nature of work, employment opportunities brought by new technologies and trends in business and at work; skills for the future; and governance of work. The added value of a Conference declaration was doubtful. Rapid changes in the world of work were happening globally – a declaration would be too static a document. The Employers supported the proposal that the Global Commission's report should constitute the substantive input to the plenary and the Director-General's Report serve as a vehicle to transmit it.
13. With regard to the proposals for Conference agendas beyond 2019, the Employers recalled that the Conference agenda did not have to include a standard-setting item; a focus on technical discussions or the follow-up to items from the 2019 Conference would be preferable. A decision on the 2020 Conference could be made later once the 2019 agenda had been established. When a standard-setting item was placed on the Conference agenda, it was important to have an idea of its purpose and to reflect on whether the eventual provisions of an instrument would be ratifiable by member States. If standards were used for making declaratory statements on campaign issues which remained unratified, international labour standards would be undermined. The Employers did not support the proposal for a new standard on environmentally sustainable economies. Guidelines had already been adopted in 2015. Neither did the group support a standard on apprenticeships. Although the Office's work on apprenticeships was appreciated, giving guidance on the different forms of work-based learning was the role of education, not regulation. He supported the inclusion of an item on skills and education on the 2020 Conference agenda, if not selected for the 2019 agenda. The proposal to hold a discussion on inequalities and redistributive policies might have some value but would require a broader approach than that suggested by the Office.

The problems leading to unequal opportunities often went well beyond the labour market and could not be addressed without looking at root causes, which differed from country to country. His group preferred to wait for the results of future work before considering the items on individual labour disputes, non-standard forms of employment, decent work in the world of sport and independence and protection in public service. He recalled an earlier proposal from his group to consider the fight against corruption as a topic for Conference discussion.

14. *Speaking on behalf of the Africa group*, a Government representative of Chad said that he agreed with the proposals set out in paragraphs 18 and 19 and supported the draft Conference agenda.
15. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Australia said she agreed that there should be a formal outcome from the centenary Conference; the draft outcome document should be based on member States' comments on the Global Commission's report and other consultations. The Office should act rapidly to develop more detailed proposals in that regard in order to allow constituents sufficient time for consideration. Her group encouraged the Office to consider showcasing Initiatives other than the Future of Work, which would be the focal point for discussion in 2019. She strongly supported continuing the discussion on violence and harassment at work. The important work and recommendations of the SRM TWG should continue, as set out in the document. Flexibility should be maintained with regard to the remaining agenda slot for the 2020 Conference. Her group supported the draft decision, as amended by the European Union (EU).
16. *Speaking on behalf of the group of Latin America and Caribbean countries (GRULAC)*, a Government representative of Paraguay requested the Office to clarify the next steps towards the centenary Conference, particularly with respect to the outcome document. She expressed the hope that the amendment proposed by the EU would be considered with a view to enabling the Governing Body to offer clear guidance to the Office. With regard to the 2020 Conference, her group supported the proposed discussion of a new standard on apprenticeships. All constituents agreed on the importance of youth employment, as evidenced by their endorsement of the Buenos Aires Declaration on Child Labour, Forced Labour and Youth Employment. Her group proposed that subparagraph (b) of the draft decision should be amended to include the formulation of a standard on apprenticeships.
17. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece said that her group had previously agreed that the 2019 Conference agenda should be dedicated to the Future of Work Initiative and supported holding the second standard-setting discussion on violence and harassment against women and men in the world of work. IMEC had also previously proposed the establishment of a Committee of the Whole to work on the outcome document. She sought clarification in respect of the negotiation process and how the Director-General's Report would facilitate the adoption of the outcome document. She supported the celebratory dimension of the ILO's centenary, as set out in paragraphs 18 and 22 of the document. Special sessions and debates should be prepared together in order to avoid clashes between events, with a view to encouraging participation by delegates and drawing the attention of a wider public.
18. The outcome document of the Conference, which could be a declaration, should be ambitious and set the future course of the ILO, bringing added value. IMEC requested the Director-General to provide an update on the work of the Global Commission in June 2018 and to present some initial thoughts on the outcome document to the Governing Body at its November session. Interaction with the Commission was essential to the achievement of a Conference outcome and her group looked forward to further opportunities for interaction before the publication of the Commission's final report. However, in view of the short time

frame, IMEC urged the Office, as it had done at the previous session of the Governing Body, to provide a specific roadmap leading up to the 2019 Conference and the June session of the Governing Body.

19. It was premature to decide on a standard-setting item beyond 2019. IMEC saw merit in a possible general discussion on apprenticeships in 2021 in advance of possible standard setting. Standard setting on a just transition of the world of work towards environmentally sustainable economies and societies for all would not provide added value. Her group welcomed retaining flexibility in the 2020 Conference agenda for follow-up items to the centenary session as well as for SRM priorities and, while expressing interest in an item on non-standard forms of employment, considered it premature to take a final position in respect of the four remaining items. IMEC supported the draft decision, as amended by the EU.
20. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina aligned themselves with her statement. The EU supported IMEC's statement and concurred that the 2019 Conference should focus on the Future of Work Initiative and include the second standard-setting discussion on violence and harassment against women and men in the world of work. She agreed with the content of paragraph 22 regarding celebrating the centenary, without the addition of a fourth technical committee. The CAS should include a centenary-related component, provided that that did not interfere with its supervisory work; further information from the Office in that regard would be useful.
21. The Conference outcome document should address global trends transforming the world of work such as globalization, technological change, demographic shifts and climate change. A Centenary Declaration based on the objectives and values of the ILO set out in the Declaration of Philadelphia could be a suitable outcome and should guide the ILO in pursuing its mandate for social justice with its constituents. Early preparation was needed. Furthermore, it was important that constituents had opportunities to interact with the Global Commission before the release of its report. She asked how constituents' contributions would be integrated into the consultation process for the report. She requested the Office to organize a discussion, no later than November 2018, on the outcome document and to present a clear time frame on how the consultation process would lead to the outcome document.
22. The proposed item on apprenticeships was a priority as it had been identified by the SRM TWG as a regulatory gap. A discussion on inequalities and the world of work would also be welcome. She noted that the 20th International Conference of Labour Statisticians would take place in October 2018 and would consider non-standard forms of employment, which could be highly relevant to future Conference discussions on that important topic.
23. With regard to the draft decision, the EU supported subparagraphs (a)(i), (b) and (c) but proposed that subparagraph (a)(ii) should be amended and a subparagraph (a)(iii) added, as follows: "(ii) an item related to the Future of Work Initiative with the view to the adoption of an important outcome document, possibly a declaration; and to request the Director-General to further develop the nature and format of that item and to present first ideas regarding the outcome document for further consideration by the Governing Body in November 2018; (iii) an item related to the organization of debates and events connected to the centenary, and to request the Director-General to further develop the nature and format of that item for further consideration by the Governing Body in November 2018."
24. *A Government representative of China* said that he supported the drafting of a concise, focused and powerful outcome document, with ample time for deliberation by constituents,

and the establishment of a Committee of the Whole at the 2019 Conference for its discussion. He urged the Office to provide a draft document as early as possible. The Office might consider holding a special consultation session on the outcome document in the first quarter of 2019. With regard to standard-setting items, it was difficult to take a decision in the absence of any additional information since the previous Governing Body session. He expressed the hope that the Office would provide more detailed explanations of those items at future sessions.

25. *A Government representative of India* said that she supported subparagraph (c) of the draft decision regarding the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006, and subparagraph (a)(i) on the inclusion of a standard-setting item on violence and harassment against women and men in the world of work. She concurred that the draft outcome document should be the subject of consultations before the Conference. In addition, she supported the contents of paragraph 22 and agreed that the CAS should include a centenary-related component in its work. Apprenticeships should be included as an agenda item at the 2020 Conference, with particular focus on informal apprenticeships for women. Inequalities in the world of work and decent work in the world of sport could also be discussed at that Conference; the inclusion of a gender perspective in that discussion would promote gender equality, wage equality and women's welfare in the labour market.
26. *A Government representative of Japan* said that it seemed reasonable and appropriate for the centenary session of the Conference in 2019 to discuss both the outcome document and the Centenary Initiatives, separately. Inequalities and the world of work was a good option for the Conference agenda beyond 2019, since that issue was relevant to the ILO mandate and common to many member States. While the theme of apprenticeships was also valuable, it would be more appropriate to address it through a general discussion, in view of the diversity of modalities and prevalence of apprenticeships in member States.
27. *A Government representative of France* said that the centenary session would be an opportunity for the ILO to reaffirm its mandate and methods. In order to do so, the Organization should be guided by the Declaration of Philadelphia, particularly on aspects relating to the future of work. A new declaration, combining the fundamental principles of the Declaration of Philadelphia with major changes in the world of work, should be adopted at the centenary session. A concise and powerful text would strengthen the role of the Organization in global governance and reaffirm the commitment of its constituents to multilateralism.
28. *A Government representative of Cuba* requested the Office to clarify the concept behind the Committee of the Whole so that constituents could better understand it. The programme for the debates and events connected to the centenary session should be distributed well in advance.
29. *A Government representative of Switzerland* said that the centenary session must result in a formal and ambitious outcome document. The document must reflect changes in the world of work and enhance previous declarations adopted by the ILO. It must also be forward-looking and guide all future ILO activities. He therefore supported the establishment of a Committee of the Whole. The participation of high-level invitees would raise the profile of the event. His Government supported the proposal to focus the centenary session on a single committee and facilitate the organization of targeted debates on the future of work. Constituents should extend their discussions to include other institutions and groups, particularly young people. The Conference agenda beyond 2019 should address inequalities in the world of work but also continue discussion on the future of work. With regard to subparagraph (c) of the draft decision, there was very little time for preparations between the meeting of the Special Tripartite Committee in April 2018 and the deadline for enrolling

in the 107th Session of the Conference. It would be preferable for the item to be included on the agenda for the session in 2020. The Office should consider consultations between Governing Body sessions to advance the Centenary Initiatives and make the necessary resources available in that regard. The Conference agenda beyond 2019 should be based on the conclusions of the centenary session.

30. *The Worker spokesperson* said that her group was in favour of the amendment proposed by the EU. However, it would be more appropriate to have discussions in March 2019 than in November 2018. She noted some incoherence with previous decisions of the Governing Body. For example, all necessary actions on apprenticeships had already been agreed in a recommendation of the SRM TWG of 2016, which had identified a regulatory gap, and in a Governing Body decision, which requested the Office to follow up on that gap.² Although the gap still needed to be addressed, it would be better done in a general discussion. It was also incoherent to prioritize the item but then fail to address it promptly. Also, many governments viewed apprenticeships as a current issue, not only one related to the future of work.
31. *The Employer spokesperson* said that there was no incoherence in respect of apprenticeships. The SRM TWG had identified a gap and the Governing Body must next address that gap. He was positive about the innovative formats proposed by the EU in their amendments to the draft decision, and agreed on the need to take advantage of momentum. However, he sought clarification on clause (a)(iii) on the organization of debates and events connected to the centenary. If they were related solely to celebrations, the Employers' group would not agree to them. It would, however, accept debates and events on the future of the ILO. His group was also against the adoption of a declaration. A mere formal declaration would not serve the purpose of the ILO providing concrete, practical conclusions and recommendations. It was therefore preferable to keep the original clause (a)(ii).
32. *Speaking on behalf of the EU and its Member States*, the Government representative of Bulgaria said that November 2018 had been chosen because preparations should start as soon as possible. The discussion would then continue at the following Governing Body session. Clause (a)(iii) had been taken from the original decision, but the work had been divided in order to give sufficient prominence to the Future of Work Initiative.
33. *The Worker spokesperson* said that she would not agree to centenary celebrations either. The events must be based on issues of content. The Office should clarify the discussion to be had on apprenticeships since, as mentioned previously, it had already been covered by the SRM TWG and the Governing Body.
34. *A representative of the Director-General* (Deputy Director-General for Management and Reform (DDG/MR)) said that the Office had understood the amendment as a proposal to split clause (ii) into two clauses: one on the future of work component and another on other Centenary Initiatives. However, clause (iii) would be clear if it read "an item related to the centenary" instead of "an item related to the organization of debates and events". There was a reasonable level of support for a second discussion on violence and harassment in the world of work in 2019. There was also support to include a standard-setting item on apprenticeships on the agenda. If the Governing Body wished to include an item in the 2020 Conference agenda, that decision would have to be made at the present session in order for the regular standard-setting procedures to produce a report in time for the 2020 Conference. The Office had noted the questions on the future of work component, other arrangements for the centenary session and whether to take decisions in November 2018 or March 2019.

² See [GB.328/PV](#), para. 581(h).

However, its intention was to obtain general guidance at the present session and make more formal proposals in November 2018.

35. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) confirmed that the SRM TWG had identified a gap in protection and its report had been endorsed by the Governing Body. At the November 2017 session, the possibility of a standard-setting item had been discussed but there had been no consensus. The issue had therefore remained in the document, which is now eliciting clearer views on the proposal.
36. *The Director-General* said that the will of the Governing Body was to focus the centenary session very strongly on the Future of Work Initiative, with space for other Centenary Initiatives. Despite some doubts expressed at the outset, the Governing Body also seemed to have reached unanimity on including a second discussion on violence and harassment at work.
37. He took note of the frustrations that the Office had not set out the roadmap for the 2019 session more quickly. Although he understood those frustrations, it was vital for the Governing Body to achieve consensus on its goals and methods before that roadmap was set out. For example, there was not yet consensus on whether to adopt an important, historic and ambitious outcome document, possibly a declaration. The amendments proposed by the EU, if adopted, would provide guidance in that regard.
38. There seemed to be some confusion regarding clause (a)(iii). His understanding was that it represented a relatively limited modification, proposed by the EU, to complement the modified clause (a)(ii). That clause (a)(iii) was, in turn, an attempt to put into decision form the ideas for the third slot at the Conference set out in paragraph 22.
39. Moving forward, it would firstly be important to establish how a draft outcome document that had already received the serious consideration of tripartite constituents could be presented to the Conference. A number of speakers had noted that a good option would be to ask the Office to produce such a document, be it a declaration or something else, for consultations in early 2019. The draft could usefully be informed by the report of the Global Commission on the Future of Work, to be published at the end of 2018 or the beginning of 2019, and by preliminary consultations that constituents could begin immediately. The Office could then seek further guidance from the Governing Body at an interim point, probably the November 2018 session.
40. Other actors in the international system had indicated that they were looking to the ILO to provide leadership on the future of work. He therefore urged the Governing Body, as it moved towards adopting the draft decision, to maintain a high level of ambition. The Office would, of course, play its role. It was essential that the Organization met its responsibilities and optimized its opportunities.
41. *The Worker spokesperson* invited the Employer spokesperson to clarify whether his group only objected to the words “possibly a declaration”, or whether it also did not support the idea of an outcome document.
42. *The Employer spokesperson* replied that his group only had a problem with the possible declaration. He would need more information on exactly what was envisaged before deciding on a declaration. However, he could accept clause (a)(ii) if the reference to the declaration were deleted. That said, his strongest objection was to clause (a)(iii). He was not prepared to agree to a vague structure that did not detail any substance.

43. *The Worker spokesperson* expressed appreciation for the Employers' group's efforts to basically accept clause (a)(ii), which meant that there was tripartite consensus on a common ambition. She hoped that the Director-General would come up with a very interesting proposal that the Governing Body could further discuss. She suggested that the Director-General might wish to clarify the process that he would follow with respect to clause (a)(iii) were the draft decision to be adopted.
44. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the Director-General had already outlined the substance of clause (a)(iii), which contained nothing new and had been added to the draft decision as a separate clause to provide extra clarity.
45. *The Chairperson* said that the phrase, "an important outcome document, possibly a declaration" in clause (a)(ii) did not oblige the Governing Body to decide in favour of a declaration, but merely gave it that possibility. Of course, the contents would have to be clarified, but they would be revisited in November 2018. If the draft decision were adopted, the Office would have a clear objective.
46. *The representative of the Director-General (DDG/MR)* said that, in view of the assessment made earlier regarding the support for including a standard-setting item on apprenticeships, he proposed amending subparagraph (b) of the draft decision to read: "place a standard-setting item on apprenticeships on the agenda of the 109th Session (2020) of the Conference and request the Office to take note of the other guidance provided on setting the agenda beyond 2019".
47. *The Employer spokesperson* said that "Centenary Initiatives", referred to in paragraph 22, were not the same thing as the future of work. He was unclear about what clause (a)(iii) currently envisaged. He could work with clauses (a)(ii) and (a)(iii), perhaps if they were condensed into one clause. However, he did not want a reference to Centenary Initiatives. Likewise, while he would welcome a discussion on apprenticeships, he did not agree to the inclusion of a reference to a standard-setting discussion in the draft decision.
48. *The Worker spokesperson* asked the Chairperson whether the Governing Body was still seeking tripartite agreement. She had explored the possibility of reaching tripartite agreement and did not believe that it would be forthcoming. She inquired whether each paragraph would be renegotiated in order to reach tripartite consensus, or whether there would be a stage at which the text would reflect the will of a clear majority of the Governing Body.
49. *The Chairperson* replied that he saw a clear majority in favour of the text as it stood. However, he was seeking tripartite consensus to the extent possible because, ideally, the whole ILO should be behind the same idea.
50. *The Worker spokesperson* said that she was in favour of seeking tripartite agreement, if possible, on the subject of the Centenary Initiatives. However, she was not willing to restart discussions on other matters, particularly clause (a)(iii), if a clear majority of the Governing Body had already reached agreement.
51. *The Employer spokesperson* said that the Governing Body could not tolerate a situation in which groups pushed for majority agreement when an outcome suited them and accused others of not wanting tripartite consensus when an outcome did not suit them. That was dangerous ground. Consistency was required, particularly in the context of the discussion that had been held on UN reform, and given the pride that the Governing Body took in basing its decisions on tripartite consensus.

52. *Speaking on behalf of IMEC*, a Government representative of Canada said that it was not clear that the Governing Body was moving towards a consensus for a standard-setting discussion on apprenticeships. He recalled that his group had indicated that it saw merit in a possible discussion, given the gap that had been identified by the SRM, but that it had a preference for holding a general discussion on the issue first.
53. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that she had a new suggestion for subparagraph (b): it would be better to remove the reference to a specific time frame for the item on apprenticeships. With regard to clauses (a)(ii) and (a)(iii), it had been her group's explicit wish to separate the preparation for the Future of Work Initiative from other Centenary Initiatives in order to give it more prominence and visibility.
54. *The Chairperson* said that some governments had expressed a preference for an outcome document, and potentially a declaration. The reference to a declaration should therefore remain in the text of the draft decision for the time being and, given the lack of clarity surrounding the discussion on subparagraph (b), discussion on that matter should be postponed until November 2018 to allow for further consideration. He called for consensus in that regard.
55. *A Government representative of Brazil* said that his Government was ready to follow the suggestion provided there was consensus on the matter. He asked whether the decision to postpone discussion on subparagraph (b) would preclude some options proposed in the paper, such as the standard-setting instrument on apprenticeships, a proposal supported by GRULAC.
56. *The representative of the Director-General (DDG/MR)* clarified that the reference in the draft decision to the setting of the Conference agenda beyond 2019 would only preclude the inclusion of a standard-setting item on apprenticeships on the 109th Session (2020) agenda in particular; the issue could therefore potentially be included in 2021 or later, even if the draft decision did not receive support by constituents at that time.
57. *A Government representative of Brazil* requested clarification on the reference in the document to the exceptional possibility of reduced intervals for sending documents in advance of the Conference. His Government would be ready to support the draft decision, but was concerned that the option preferred by GRULAC would be ruled out.
58. *The representative of the Director-General (Director, NORMES)* said that the Governing Body could decide exceptionally to reduce those intervals, but there would consequently be less time for the Office to prepare documents and for constituents to study them.

Decision

59. *The Governing Body decided:*

(a) to place on the agenda of the 108th Session of the Conference (2019), beyond the standing items (Reports of the Chairperson of the Governing Body and of the Director-General, programme and budget and other questions and information and reports on the application of Conventions and Recommendations):

(i) a standard-setting item (second discussion) on violence and harassment against women and men in the world of work;

- (ii) *an item related to the Future of Work Initiative with a view to the adoption of an important outcome document, possibly a declaration, and to request the Director-General to further develop the nature and format of the item and to present first ideas regarding the outcome document for further consideration by the Governing Body in November 2018; and*
- (iii) *an item related to the organization of debates and events connected to the centenary, and to request the Director-General to further develop the nature and format of this item for further consideration by the Governing Body in November 2018;*
- (b) *to request the Office to take note of the guidance provided in relation to the setting of the Conference agenda beyond 2019; and*
- (c) *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 107th Session (2018) of the Conference, subject to the submission of any amendments adopted by the Special Tripartite Committee in April 2018.*

(GB.332/INS/2, paragraph 32, as amended by the Governing Body.)

60. *The Employer spokesperson* said that his group did not agree with the decision, in particular the amendments proposed by the EU, and expressed his discontent that his group had been dragged along and that the decision had not received tripartite agreement before adoption. He had been under the impression that his group was agreeing to the amendment to subparagraph (b), and not to the adoption of the draft decision as a whole.
61. *The Chairperson* said that the reference to the setting of the Conference agenda beyond 2019 had initially been deleted for the purpose of achieving consensus on the draft decision. The outcome document would not necessarily take the form of a declaration.
62. *The Worker spokesperson* expressed her displeasure at the accusation that she was not acting in the spirit of tripartism, a concept that required constituents to make proposals and seek compromise rather than simply expressing their disagreement. Her group was ready to accept the decision, and she expressed her hope that the matter would be discussed further in future. The disagreement in respect of apprenticeships as a standard-setting item was regrettable since many constituents had supported its inclusion in the draft decision.
63. *The representative of the Director-General (DDG/MR)* said that subparagraph (b) of the draft decision should be amended to read: “request the Office to take note of the guidance provided in relation to the setting of the Conference agenda beyond 2019 both as regards the strategic approach and the subjects under consideration, in particular as to the 109th Session (2020); and”.
64. *The Chairperson* said that he had understood that the Government group and Workers’ group had agreed to the present text, which included the amendments proposed by the EU and the Office, and that there had been majority agreement on the outcome document and a possible declaration. The discussion would be postponed to the next session of the Governing Body.
65. *The Employer spokesperson* asked why the focus had been placed on the Centenary Initiatives rather than the future of work.
66. *The Director-General* said that the Office was dividing the focus on the future of work from the attention given to other Centenary Initiatives. Constituents had consistently said that

other Centenary Initiatives required some attention at the centenary session of the Conference. The Office could not provide precision on the outcome document or other details of the Conference since they had not yet been finalized and would be shaped through future consultations and decisions made in the scope of the procedural roadmap.

67. *The Employer spokesperson* recalled that his group had proposed topics for the centenary session and that, despite discussion in meetings of the Global Commission, the constituents had not agreed which topics should receive attention. He expressed his preference for a more focused proposal on a possible declaration. He had initially understood that the Conference agenda would feature three items on the future of work and consequently asked why only one item in the draft decision referred to the future of work.
68. *The Director-General* recalled that the Employers' group had proposed three technical agenda items on the changing nature of work, skills and governance, and had initially expressed a preference for no outcome document to be produced. Since the centenary Conference would therefore be arranged in a similar way to previous Conferences, he questioned whether that agenda would be a sufficiently ambitious way to mark the Office's centenary. The Conference should ideally provide a space to adopt an historic action-oriented outcome, possibly a declaration, and to hold a discussion on violence and harassment at work, a proposal that the Employers' group had not accepted at first. The third slot on the agenda could then be used to discuss the other Centenary Initiatives.
69. *The Worker spokesperson* expressed her appreciation of the Director-General's explanation. It would be important to move forward on the basis of a majority agreement.
70. *The Employer spokesperson* stressed that his group was not opposed to having an outcome document but rather to the lack of clarity over whether the document would take the form of a declaration and, if so, what the content might be. It was also opposed to having to reduce topics and switch focus to the other Centenary Initiatives. However, his group would accept the majority decision.
71. *The Chairperson* said that the Governing Body agreed to take note of the Employers' concerns and would return to the matter at the November 2018 session of the Governing Body.

Third item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work ([GB.332/INS/3](#))

72. *The Employer spokesperson* noted that 2018 marked the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 (the 1998 Declaration). The Office's report demonstrated that even countries that had not ratified all or any of the core ILO Conventions were taking action to respect, promote and realize the fundamental principles, in line with the 1998 Declaration, which was what ILO membership was about. The anniversary of the 1998 Declaration should galvanize concerted action by the Office, member States, constituents and other stakeholders to respect, promote and realize the fundamental principles and rights at work in line with other initiatives, such as the 2030 Agenda, and the Office should seize the opportunity it offered to renew its commitment to the 1998 Declaration. In the light of the importance of the "50 for Freedom" campaign to eliminate forced labour, the Employers' group was pleased to support the

establishment of the ILO Global Business Network on Forced Labour and Human Trafficking. He commended the Office's efforts to achieve 100 per cent reporting. Reporting represented a commitment by non-ratifying member States to realize the fundamental principles and rights at work, and was evidence of the usefulness and visibility of the 1998 Declaration. He thanked the Office for having introduced the e-questionnaire tool on a pilot basis with a view to facilitating reporting, noted with satisfaction that 36 member States had used it, despite a few glitches, and encouraged more States to use it.

73. With respect to the Office's focus on ratification of the fundamental Conventions, he noted that ratification was not the only way to demonstrate commitment to the ILO's core values. Each State's legal system and social, economic and political circumstances should be considered and the different ways that States respected the 1998 Declaration through policy initiatives and other commitments should be noted. The main objective was not ratification, but rather the effective implementation of the fundamental principles and rights at work covered in the core Conventions. That distinction could be lost in the rush to judge countries on their ratification record, and point (d) of the draft decision in paragraph 152 of the report provided an example of that. Member States could meet – or fail to meet – their responsibilities under the core Conventions regardless of ratification status. When considering ratification of a Convention, member States should first ensure that it could be implemented at the national level. Ratification and implementation of a fundamental Convention must be the result of extensive tripartite consultation. Those points were not fully reflected in the Office's report. He suggested that the end of point (d) of the draft decision should be amended to read: "... rights at work, such as through universal ratification and/or other action and practical policy efforts, and in particular, to combat the global scourge of forced labour including trafficking in persons." Any assessment of State action to implement the fundamental principles and rights at work should be based on the States' legal and operating context and other policy efforts, rather than limited to the number of ratifications.
74. With regard to freedom of association and the effective recognition of the right to collective bargaining, slow progress in respect of the ratification of Conventions Nos 87 and 98 demonstrated that it could take time to address domestic legal and practical barriers and overcome historical, cultural and religious attitudes towards rights. Nonetheless, the report indicated movement in the right direction. It should be noted that the right to freedom of association also applied to employers.
75. It was encouraging that many States had specific policies and plans of action to help end forced and compulsory labour and human trafficking, and that many had introduced mechanisms to collect data on those issues. The Employers' group urged the Office to respond to member States' many requests for technical assistance to help combat trafficking in persons. Governments should ensure that, at the national level, the social partners were engaged in all measures concerning those fundamental rights.
76. It was important to note the challenges faced by governments in the abolition of child labour, and applaud their openness in highlighting those challenges. He urged the Office to respond to the multiple requests for technical assistance to help put an end to discrimination in respect of employment and occupation.
77. The Employers' group welcomed the information provided by member States and the social partners on efforts and challenges to addressing the fundamental principles and rights at work. The Office should continue to provide technical support and assistance to States, where requested, and help to build the capacity and strengthen the role of the social partners. Developing the institutional capacity of ILO constituents to support the realization of the fundamental principles and rights at work was vital; the Bureau for Employers' Activities

(ACT/EMP) and Bureau for Workers' Activities (ACTRAV) must be sufficiently funded and involved in the Office's capacity-building work.

- 78.** *The Worker spokesperson* said that the marked fall in the number of reports received in 2017, despite follow-up by the Office, was a cause of concern that required attention, particularly since it was the second year in which there had been a noticeable drop in reporting. The social partners could help remedy the issue at the national level. She encouraged countries that had not used the e-questionnaire tool to do so in the future. Given member States' mixed feedback on the tool, the Office should prioritize further consideration of how to encourage and facilitate reporting, by electronic or other methods.
- 79.** She congratulated those States that had ratified fundamental Conventions during the reporting cycle, noting that Canada and Suriname had thus ratified all the fundamental Conventions. She also noted that, as at January 2018, 22 member States had ratified the Protocol of 2014 to the Forced Labour Convention, 1930. She recalled that targets towards universal ratification had been set in the plan of action for 2017–23, approved by the Governing Body in November 2017, to give effect to the conclusions concerning the second recurrent discussion on fundamental principles and rights at work adopted by the International Labour Conference in June 2017. In that respect, she urged those member States that had taken other measures to guarantee the fundamental principles and rights also to ratify the Conventions.
- 80.** She expressed concern that, even though progress had been made towards ratification of Conventions Nos 87 and 98, approximately half of the world's population lived in countries that had not ratified one or both of those Conventions. It was essential to identify any barriers to the ratification of those instruments, so that national social dialogue could contribute to developing a plan to overcome them. Further efforts were needed to promote the ratification of the two instruments, the implementation of which was essential in order to achieve the Decent Work Agenda and establish the institutions necessary to ensure that other fundamental standards were effectively implemented.
- 81.** She expressed regret that, although ratifications of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), were higher than those of the other fundamental Conventions, no new ratifications of those instruments had been registered and that only four member States had reported on them in the reporting cycle. She welcomed the Government of China's willingness to consider ratifying those instruments; and noted the information on prevention and enforcement efforts and sanctions established in several member States.
- 82.** The number of ratifications of the Protocol had doubled, but it was a concern that no ratifications had been registered in the Arab States and in the Asia and the Pacific region; moreover, the goal of 50 ratifications by the end of 2018 remained a long way off. However, she welcomed the progress made by some States, particularly given that the elimination of all forms of forced labour was linked to poverty eradication.
- 83.** She commended progress towards the ratification of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), in several countries. However, she expressed concern that, as with other Conventions, the rate of ratification was low in the Asia and the Pacific region. Concerning ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), she took note of the significant number of requests for technical assistance, including in the areas of training, legal reform, capacity building and establishing or strengthening specialized institutional machinery.

84. She expressed regret that the figures indicated a lower rate of reporting than usual, which she hoped was temporary. Reports received under the annual review for 2017 had been rich in terms of content, which she hoped reflected member States' commitment to implementing the fundamental principles and rights at work and to ratifying the fundamental Conventions and the Protocol. Lack of social dialogue had been identified as a challenge to making that a reality, and the Office should provide technical assistance to overcome that barrier. In conclusion, she supported the draft decision contained in paragraph 152 of the document, without the proposed amendments, as it reflected the agreement reached during the 106th Session of the International Labour Conference.
85. *Speaking on behalf of the Africa group*, a Government representative of Chad noted the number of countries that had ratified, or reaffirmed their intention to ratify, one or more of the fundamental Conventions. Responding to the requests received for technical assistance would accelerate the rate of ratification, with a view to reaching universal ratification. Overcoming barriers, strengthening the capacities of the tripartite constituents and promoting social dialogue would lead to better implementation of the fundamental principles and rights at work. Technical assistance in Africa had led to a clearer understanding of those fundamental rights and principles, had strengthened tripartite dialogue and had led to legislative reform. Several States had adopted legislation to protect workers from the worst forms of labour, which must be eradicated. Awareness of the worst forms of labour should be raised among workers, employers and labour inspectors. The online reporting tool was a positive step, but some States had experienced technical difficulties. He supported the draft decision.
86. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Montenegro, Albania, Bosnia and Herzegovina and Norway. She expressed concern that 126 ratifications covering 45 member States were still required for the goal of universal ratification to be attained, and she encouraged the ILO to implement the universal ratification campaign. Universal ratification would represent an important contribution to the achievement of several of the Sustainable Development Goals (SDGs). Additional efforts in respect of ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, would be required if the "50 for Freedom" target was to be reached by the end of 2018. All EU Member States had ratified the eight fundamental Conventions and the Europe region was the first to have attained universal ratification. Just over half of the ratifications of the Protocol had been made by EU Member States. She encouraged other regions to increase ratification efforts.
87. Lack of social dialogue was a challenge to universal ratification. She welcomed the ILO's decision as part of the plan of action for 2017–23 to build capacity in governments and among the social partners, with particular regard to tackling obstacles to freedom of association. She noted that many requests for technical assistance had been received, and said that the EU and its Member States would continue to support the efforts of the Office to respond to those requests. The EU's experience in that regard could be a useful resource. She welcomed the user-friendly e-questionnaire tool which could facilitate reporting and diminish the administrative burden on ratifying States. She called on all ILO Members to ratify all of the fundamental Conventions and emphasized the particular responsibility of members of the Governing Body and other supervisory bodies in that regard. She supported the original draft decision, without the proposed amendments.
88. *A Government representative of India* said that, having ratified six of the fundamental Conventions, the Indian Government was working towards ratification of the other two, namely Conventions Nos 87 and 98, in consultation with all stakeholders. However, the rights envisaged under those Conventions were already guaranteed by the Constitution. Respect for the fundamental rights and principles at work should go beyond the ratification

of Conventions, and should be implemented at the ground level. She encouraged the ILO to conduct country-specific promotional activities in order to achieve universal ratification of the fundamental Conventions in a flexible time frame. As the ILO approached the 20th anniversary of the adoption of the 1998 Declaration, the Office should strengthen the universal ratification campaign by establishing ambitious, clear and achievable targets. She noted that the rate of reporting and the participation by employers' and workers' organizations had fallen, and called for capacity building among the social partners to remedy that. She supported subparagraphs (b), (c) and (d) of the draft decision.

89. *A representative of the Director-General* (Director, NORMES) said that in 2017 the Office had supported 60 member States in their efforts to ratify and implement the fundamental Conventions, including through tripartite consultations. It would continue to step up its technical assistance and continue to involve ACT/EMP and ACTRAV in capacity-building exercises. The fall in the reporting rate was partly due to the additional reporting obligation under the Protocol of 2014 to the Forced Labour Convention, 1930, which was highly detailed and had required some member States to start reporting again. She thanked the European Commission for its ongoing financial contribution to the Office's efforts to support member States with reporting; those efforts would be maintained. Work would also be done to resolve the issues with the online reporting system; she asked the governments in turn to provide the correct email address to facilitate the process. Lastly, she confirmed that the Office intended to use the 20th anniversary of the 1998 Declaration as an opportunity to boost its campaign for universal ratification, alongside the "50 for Freedom" campaign.
90. *Speaking on behalf of IMEC*, a Government representative of Canada, speaking on a point of order, urged members of the Governing Body to submit amendments before the 24-hour deadline to give all members time to consider them in their groups. Given the short notice in the present case, IMEC could not agree to the amendment.
91. *The Employer spokesperson* expressed regret that the deadline had been overlooked. His group had wanted to place emphasis on the importance of achieving effective implementation in addition to universal ratification, with resources to build the capacity of member States.

Decision

92. *The Governing Body:*

- (a) *took note of the information presented under the Annual Review of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January 2017 to 31 December 2017;*
- (b) *invited the Director-General to further take into account its guidance on key issues and priorities, including as to the interest in the further elaboration of reporting tools with a view to facilitating online reporting and data analysis;*
- (c) *requested the Office to address simplified questionnaires to the constituents regarding the Protocol of 2014 to the Forced Labour Convention, 1930; and*
- (d) *reiterated its support for the mobilization of resources with regard to further assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work, through universal ratification and action and, in particular, to combat the global scourge of forced labour including trafficking in persons.*

(GB.332/INS/3, paragraph 152.)

Fourth item on the agenda

Report of the Tenth European Regional Meeting

(Istanbul, 2–5 October 2017)

([GB.332/INS/4](#))

93. *The consideration of this item and the related decision were deferred to a later session of the Governing Body.*

Fifth item on the agenda

The Standards Initiative: Implementing the workplan for strengthening the supervisory system – Progress report

([GB.332/INS/5\(Rev.\)](#))

94. *The Chairperson* suggested that the discussion should start with a round of general observations on the progress report, followed by comments on the individual proposals, grouped into three prioritized actions (article 24 procedure; regular reporting system; and article 19 procedure), and on a further set of three actions on which guidance was sought. The draft decision took into account the guidance provided by the Governing Body at its session in November 2017 and also at the consultations held in January 2018.
95. *The Employer spokesperson*, after outlining the significant progress that had been made in the discussions on the reform of the Standards Initiative since the submission of a Joint Statement by the Workers' and Employers' groups in February 2015, recalled that at the November 2017 session of the Governing Body consensus had been reached on several elements. The progress report provided finer details that should facilitate agreement on the outstanding elements. The objective of strengthening the supervisory system was to develop a simpler, more transparent, more user-friendly and more effective system and to restore tripartite governance and ownership.
96. *The Worker spokesperson* said that she welcomed the commitment that had been shown by all groups to achieving consensus on the item. The discussions at the previous Governing Body session had not addressed all outstanding concerns, however, and it was her group's intention to secure agreement from all sides at the current session in order to make progress. The work, patience and commitment of the Office in respect of the item, and the consultations held in January 2018, were appreciated. The efforts being made had real implications and aimed at rendering the supervisory system fit for purpose for the twenty-first century.
97. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea thanked the Office for its work on the item and reiterated his group's strong commitment to strengthening the ILO supervisory system. The elements of the system should be characterized by transparency, integrity and complementarity. His group supported the suggestion to postpone the review of the implementation of the workplan in the context of the broad review of the Standards Initiative to the 334th Session.
98. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that her group welcomed the consultative approach taken by the Office and supported the workplan for strengthening the supervisory system, which would improve the core work of

the ILO by simplifying procedures, increasing transparency and facilitating monitoring activities. She requested that her group's proposals should be given full consideration and hoped that consensus would be reached in the forthcoming discussions at the current session and at the next session of the Governing Body.

99. *Speaking on behalf of ASPAG*, a Government representative of China said that it was crucial to make progress on the workplan for strengthening the supervisory system, which had direct implications for all ILO constituents and was part of the Centenary Initiative, as there were related issues to be discussed in addition to those set out in the document. All constituents should cooperate with a view to achieving consensus, documents should be clear and concise to assist discussions, and informal consultations should be structured to guarantee progress.
100. *Speaking on behalf of GRULAC*, a Government representative of Paraguay urged the Office to continue to hold informal tripartite preparatory consultations prior to the Governing Body meetings. Future consultations must be broad and inclusive, involving all stakeholders in the process of strengthening the supervisory system in a constantly changing world of work. His group was committed to that process, as the supervisory system was a cornerstone of the Organization that must be available to all countries. The reform of the supervisory system should be comprehensive and the interplay between the procedures should be clear to prevent duplication of work. Good practices should be exchanged and disseminated, and replies should be adjusted to the seriousness of the case to ensure they were fair, proportionate and effective.
101. *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC aligned itself with the Government group's statement. IMEC was pleased with the level of detail in the document and welcomed the inclusion of much of its input from recent consultations. IMEC had supported the revised draft decision put forward by the Office following discussion of the item in November 2017 and had willingly participated in the tripartite consultations on the issue in January 2017. Such consultations contributed to a better understanding of the particular concerns of each group. She hoped that the Governing Body was in a position to approve the next steps, as outlined in the document. IMEC welcomed the restructuring of the lengthy and complex material into three prioritized actions in the document.
102. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand said that his group aligned itself with the statement by ASPAG and was committed to cooperating with constituents and the Office to strengthen ILO labour standards.
103. *A Government representative of France*, speaking also on behalf of Italy and Spain, said that in order to successfully implement the workplan and strengthen the supervisory system, it was essential for constituents to continue discussions and arrive at a consensus. She welcomed the proposals related to strengthening the supervisory system in respect of non-ratified Conventions, and agreed that discussion by the Governing Body and the CAS of reports on such Conventions would allow constituents to better identify obstacles that prevented or slowed down the ratification process. She welcomed the proposals that would give priority to the participation in the supervisory bodies of member States that had ratified the eight fundamental Conventions. Legal certainty was essential for the ILO to safeguard its international role. Any new supervisory body envisaged to enhance legal certainty should be light and ad hoc. The Governments of France, Italy and Spain supported the proposal to hold informal tripartite consultations on the elements and conditions necessary for the operation of an independent body under article 37(2) of the Constitution.

104. *A Government representative of Switzerland* expressed support for the statement made by the representative of France. It was important to consider the standards system as a whole. There had been many observations on special supervisory procedures, but no serious reflection on the relationship between special procedures and the regular supervisory process. The ability to improve the system was likely to be found in that sphere of interaction. She encouraged the social partners to continue to strengthen their dialogue, and looked forward to the outcome of their discussions.
105. *The Chairperson* invited the members of the Governing Body to consider the representations procedure under article 24 of the Constitution and paragraph 72(1) and (4).
106. *The Employer spokesperson*, noting the suggestion in the document that the temporary suspension of the article 24 procedure should be subject to the agreement of the complainant and the government concerned, said that his group would have preferred a more far-reaching arrangement to ensure that the ILO's limited supervisory system resources were used primarily in cases where there was a clear need. The Employers were nevertheless willing to accept that proposal in view of the new proposed electronic form for the submission of a representation set out in Appendix III. He suggested that in question 6 of the form the words "would wish" should be replaced by "would have any objections". His group trusted that questions 5 and 6 of the form would encourage the use of national remedies before recourse to an article 24 procedure was sought. Use of the electronic form should thus be strongly encouraged as a critical part of the process. When there were several article 24 representations at the same time, priority should be given to representations for which national remedies were not available, were not available within a reasonable time, or had already been exhausted. His group agreed that arrangements to allow for a temporary suspension of the examination of the merits of a representation by the ad hoc body should be reviewed by the Governing Body after a two-year trial period. The Office was encouraged to continue to assist member States upon request and where appropriate to establish national remedies.
107. The arguments of the Employers' group to end the automatic referral of article 24 representations concerning Conventions on freedom of association and collective bargaining to the Committee on Freedom of Association (CFA) had still not been adequately considered. Such representations had to be examined by an ad hoc committee set up in a similar way as for other article 24 representations, and not only be examined by the CFA. The expertise of CFA members could be utilized through their participation in ad hoc tripartite committees. Recalling that article 3(2) of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organisation afforded the Governing Body the discretion to refer such representations to the CFA, he noted that this was the exception, rather than the rule. A better explanation of the differences between article 24 and CFA procedures would allow constituents to be better informed in choosing between the two procedures. Those choices had to be fully accepted: if an article 24 representation was submitted, it would contradict the complainant's will to then refer it to the CFA. Should the Governing Body decide to refer the representation to the CFA, an ad hoc subcommittee should be established to examine the merits of the representation dealing with ratified Conventions in a separate meeting, to ensure access to all relevant details of the representation, including its content, legislation and any additional information. The ad hoc subcommittee should have ample time to examine the case, including during Governing Body sessions.
108. With regard to paragraph 68, he stressed the need for clarification of the distinct role of the CFA, which had no constitutional mandate to supervise ratified Conventions. Unless a proper clarification of the role and mandate of the CFA was considered by the Governing Body, his group did not support the presentation of a report of activities by the CFA to the CAS starting in June 2018.

- 109.** With regard to the transparency of the representation procedure, the Employers agreed that the Governing Body should be kept informed of the status of pending representations and follow-up to representations already examined.
- 110.** Another area for improvement was the lack of sufficient information and time Governing Body members had before adopting the recommendations of ad hoc committees in private sessions. In order to maintain transparency, adequate time was required to consider the documents, which were often placed in members' pigeonholes at the last minute. His group proposed that clear language be used in the draft decision to recall the rules for the presentation of documents by the Office 15 days before the opening of each session.
- 111.** Turning to the integrity of the procedure referred to in paragraph 16, his group did not consider it necessary to insert additional wording in the Introductory Note to the Standing Orders on the representation procedure. Article 3(1) of the Standing Orders was clear enough; the draft decision could remind Governing Body members of its wording.
- 112.** With regard to the follow-up to representations, ad hoc tripartite committees, rather than the Committee of Experts on the Application of Conventions and Recommendations (CEACR), should retain responsibility for follow-up action taken on the recommendations.
- 113.** *The Worker spokesperson* said that the article 24 procedure functioned well, thanks to the consensus found on the continued operation of other branches of the supervisory system. However, the exhaustion of national remedies should not become a criterion for receivability, and she agreed with the wording of question 5 in the model form. She agreed also with the wording of question 7; however, that question was best answered by the Office itself, as complainants would not necessarily know whether an issue had already been brought before an ILO supervisory body.
- 114.** The Workers' group supported the principle of using voluntary conciliation only in cases where the complainant organization had indicated its willingness on the form and the government had subsequently agreed. Otherwise, a representation should be examined by an ad hoc tripartite committee. The Workers could support the Employers' proposal to include in question 6 of the form a reference to having no objections, rather than indicating willingness. She supported the approach outlined in paragraph 9(ii) of the Office document, provided that the complainant had indicated its willingness to access conciliation. A six-month time limit for conciliation should be made explicit in the draft decision. The ad hoc tripartite committee should continue to meet during the conciliation period to monitor progress, as proposed in paragraph 9(iv). Once the conciliation period had expired or the complainant had indicated that conciliation had failed and requested the resumption of the procedure, the ad hoc committee must proceed directly to consider the merits of the case, as proposed in paragraph 9(v). The Workers' group agreed that the adjustments should be trialled for two years.
- 115.** The group strongly supported the long-standing practice of automatically referring representations on Conventions covering freedom of association and collective bargaining to the CFA. Neither the practice, nor the relevant wording of the Standing Orders concerning the procedure for the examination of article 24 representations needed to change. The CFA had always dealt with complaints regardless of whether Conventions Nos 87 and 98 had been ratified. The Committee examined representations in a separate report to the Governing Body, therefore the distinction between representations and regular CFA complaints was already clear. The current procedure ensured that the most competent ILO body considered complaints and representations on freedom of association while avoiding procedural duplication or incoherence. Nonetheless, the Workers' group could accept the proposal in paragraph 11 that the Governing Body could instruct the CFA to examine representations referred to it according to the procedures set out in the Standing Orders for the examination

of article 24 representations. That would include the examination of the merits of a complaint in separate meetings. No new procedure should be established, but rather a subcommittee would operate under the umbrella of the CFA.

116. No agreement had been reached between the social partners to change the way that reports of the CFA were dealt with. The compromise they had reached would mean that the current working methods, including use of the *Digest of decisions and principles of the Freedom of Association Committee* as the basis for the examination and assessment of cases, would remain unchanged and would provide the consistency that was important to matters of freedom of association and collective bargaining.
117. With regard to the functioning of ad hoc tripartite committees, the Workers' group supported the proposal to harmonize treatment, including in relation to correspondence, time frames and deadlines for receiving replies and the convening of committee meetings. Although some representations could be more resource-intensive, representations from all regions should receive equal treatment, which would require the Office to arrange for translation and interpretation services. Given that it was difficult to know in advance which Conventions would be the subject of complaints, it was not clear that a roster of potential ad hoc tripartite committee members would be useful.
118. She agreed that the Governing Body should be informed of the status of pending representations in a regular report, which should also include information on whether the government concerned had failed to respond in time to a request by the ad hoc tripartite committee. The Workers' and Employers' groups had agreed that those reports should be issued in March and November. She supported the proposal that Government members of an ad hoc tripartite committee should be from ratifying member States unless no Governing Body member had ratified the Conventions concerned.
119. With respect to integrity and procedural safeguards, the Workers' group agreed with the proposals in paragraph 16, but could accept the Employers' proposal to specify that there were existing measures and potential new measures. The Workers' group strongly supported integrity measures.
120. On follow-up to representations, the actions set out in paragraph 17 of the document would prove useful, but table 1 should give more details, such as the type of technical assistance provided, advice on legal reform and development of an action plan. The information document would not offer an assessment of the outcome of any follow-up action, which should remain the task of the CEACR. Follow-up measures should be more systematically included in the recommendations of the ad hoc tripartite committees, together with the provision of technical assistance and tripartite follow-up at the national level. She welcomed the proposal to systematically invite governments to avail themselves of technical assistance. The integration of follow-up to representations in Decent Work Country Programmes (DWCPs) was also welcome, alongside the provision of technical assistance for member States to develop a time-bound action plan to facilitate reporting on the follow-up to recommendations as part of their article 22 reporting. The Workers' group therefore proposed that paragraph 72(1)(e) should be amended to include the consideration by the Governing Body.
121. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that his group was not yet able to take a position on the draft decision. He expressed support for the proposed optional voluntary conciliation at the national level, while noting that organizations submitting representations should retain full access to the supervisory system. He took note of the new proposal on the referral of representations to the CFA and looked forward to a constructive discussion on the issue. He welcomed the

inclusion in the document of Government members' suggestions on the conditions for governments' membership of an ad hoc tripartite committee.

- 122.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that conciliation or other forms of dispute resolution at the national level should be the preferred route, which would be consistent with the goal of offering speedy and cost-effective justice, and promoting social dialogue at the national level. The Africa group would prefer an indication of having no objections rather than an indication of willingness. If a representation was found receivable by the Officers of the Governing Body and the member State had a mechanism capable of dealing with the issues of a representation, the recommendation should be that the parties should resolve it at the national level. That would involve discussion with the parties, rather than relying on a form, without removing the complainant's right to object to the procedure. She agreed that conciliation at the national level should be for six months, and that the work of an ad hoc tripartite committee should commence only if no agreement had been reached upon expiry of the six-month period.
- 123.** *Speaking on behalf of ASPAG*, a Government representative of China expressed support for optional voluntary conciliation at the national level, to be reviewed by the Governing Body after a two-year trial period. Meanwhile, member States' capacity should be developed to enable the timely settlement of labour disputes. The group also welcomed the proposal to publish an information document on the status of pending representations, which would enhance the transparency of the representation procedure. However, there were concerns regarding the proposal that ratification of the relevant Conventions should be a condition for member States' participation in ad hoc tripartite committees, as that could lead to imbalance in the regional representation of governments; preference could be given to ratifying countries rather than ratification being a prerequisite. He asked the Office to provide further information on the implications of the proposal and a breakdown of the past cases in which a Government member of an ad hoc tripartite committee had been a non-ratifying country.
- 124.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that the receivability criteria should not require the exhaustion of national remedies. The ad hoc tripartite committee should be provided with information on whether national procedures had been used along with their status or the reasons why the complainant had chosen not to use them; that would improve the efficiency of the mechanism. That concern had been taken into account in the Office document and model electronic form. The ILO supervisory mechanisms must contribute to strengthening national mechanisms, and the group supported the promotion of the use of conciliation or other similar measures at the national level. Such national procedures required the consent of all parties, but account must be taken of the applicable national legislation. In some cases, conciliation was obligatory. Furthermore, if a complainant chose to initiate an international procedure, it was clear that either there were reasons not to choose national mechanisms, or that those mechanisms had been unsuccessful. Thus, he proposed amending question 5 of the model electronic form to read:

Please indicate: (i) whether or not your organization has pursued conciliation or other measures at the national level; and (ii) if so, please indicate the current status or outcome of the conciliation process or other measure; or (iii) if not, please indicate the reasons why it was decided not to do so. Exhaustion of conciliation or other measures at the national level is not a prerequisite for the submission of a representation. However, in certain cases they may be effective.

- 125.** That proposed formulation would not limit the tripartite committee's ability to act; rather, it would strengthen national procedures and ensure that the representations mechanism was being used responsibly by encouraging the complainant to consider all available means of recourse. In addition, the amended formulation addressed the fact that conciliation was not always an option, and resolved the issue of the Director-General's proposed intervention, referred to in paragraph 9(ii). While the Director-General could invite parties to use national

conciliation or other measures, such procedures were subject to national receivability criteria. Furthermore, the Director-General would typically intervene with the executive authorities, while the majority of conciliation and other similar procedures were supervised by the courts or other independent authorities.

- 126.** With regard to the referral of representations concerning freedom of association or collective bargaining to the CFA, he noted that, under article 12(a) of the Standing Orders, the Governing Body could decide to refer a representation to the CFA, but was not obliged to do so. Any referral must be based on objective considerations, and not merely on the basis of the experience of the CFA, as the capability of members of an ad hoc tripartite committee could not be prejudged. The Governing Body should hear the reasoning of its Officers, in conjunction with the group representing the complainant, before deciding on the appropriate body. One of the objective considerations for referring a representation to the CFA would be to avoid any duplication of work. Maintaining consistency alone was not an acceptable reason for such a referral, as support from the Office would ensure consistency among the different mechanisms with their different mandates.
- 127.** It was clear that creativity and flexibility would be required to improve the efficiency and effectiveness of the article 24 mechanism. Thus, GRULAC proposed a new procedure, whereby representations concerning freedom of association or collective bargaining would be referred to the CFA, after the parties had been heard and the Governing Body had approved. Such representations would be considered by a subcommittee comprising three members of the CFA, thereby providing experience and consistency. The subcommittee would have an independent chairperson proposed by the Government group, who did not need to be a member of the CFA. That subcommittee would meet in-between plenary sessions, and would consider only the representation referred to it, until the representation had been concluded. The subcommittee would not be a permanent body, and members would be selected on the basis of their availability and relevant experience. The subcommittee would act in accordance with article 24 of the Constitution, and would submit its recommendations to the Governing Body directly, without the need for approval by the CFA plenary. The subcommittee would be authorized to approach the parties to obtain any additional information it required, and to determine the deadlines for its own work.
- 128.** Concerning improvements to the functioning of ad hoc tripartite committees, the group welcomed the Office's decision not to create a new standing committee. It did not support the proposed creation of a roster of potential members of tripartite committees, as members should be selected for each case on the basis of relevant knowledge and availability. He agreed that the Governing Body should be kept informed of the status of pending representations through an information document. Members of ad hoc tripartite committees should be from member States that had ratified the Convention concerned, unless no Government member of the Governing Body had done so. As to the integrity of the procedure, the group had some concerns about the two proposals in paragraph 16, but did not object to them; nevertheless, they should be interpreted strictly and not as examples. Moreover, the Governing Body should continue to consider additional measures to improve the integrity of the procedure. For example, several regional groups had been in favour of appointing a Government chairperson to each ad hoc tripartite committee. Committees would thus be more balanced and efficient, and could better ensure that the Governing Body was kept informed of progress. The independent nature of ad hoc tripartite committees was compromised when their decisions were not recognized in later sessions; if the chairperson submitted reports to the Governing Body after each meeting, decisions would be subject to less external influence. The requirement for each member to sign the conclusions prior to their submission to the Governing Body could be removed to prevent delays. As discussions on procedures for representations under article 26 of the Constitution were ongoing and would have an impact on the Standing Orders for article 24 procedures, the Governing Body

would be able to carry out an overall review of the workplan for strengthening the supervisory system in November 2018 in order to make any necessary changes.

129. On the follow-up to representations, GRULAC welcomed the proposal to publish an information document on the ILO website. However, there had to be legal certainty concerning the conclusion of a case. Furthermore, received and completed actions should be represented in different colours. Concerning the reinforced integration of follow-up into recommendations, it was important to note that technical assistance could be offered by the Office, but the Governing Body could invite a government to avail itself of that assistance only if the Committee had expressly so decided. The ad hoc tripartite committee should clearly establish until when follow-up should be pursued for each case, by establishing time frames or specific target outcomes.

130. The group proposed amendments to the draft decision, whereby the first sentence of paragraph 72(1)(a) would read: “arrangements to allow for a temporary suspension of the examination of the merits of a representation upon recommendation by the ad hoc committee to seek conciliation or other measures at the national level”. At the end of paragraph 72(1)(d), the words “including measures to provide for a chairman of the ad hoc committee in addition to its three members” would be added. Lastly, paragraph 72(4) would read:

[R]equests the Office to present at its 334th Session, taking into account the guidance received during the current session of the Governing Body and following consultations with the tripartite constituents, a set of necessary measures and adjustments to regulate the practice relating to the examination of article 24 representations to ensure that representations referred to the Committee on Freedom of Association are examined according to the procedure set out in the Standing Orders.

131. *Speaking on behalf of IMEC*, a Government representative of the United States welcomed the compromise proposal for recourse to national conciliation procedures with the assistance of the Office or the secretariats of the Workers’ and Employers’ groups, without establishing a prerequisite for accessing the article 24 mechanism. Her group appreciated the incorporation of the possibility of recourse to new or ongoing legal or other measures at the national level, again without a prerequisite. The group continued to support a trial period of two years. It was also essential to maintain uninhibited access to the article 24 mechanism for constituents while modifications were trialled and refined. The safeguards against undue pressure on complainant organizations were welcome and should be prioritized. Accordingly, procedural modifications should provide for recourse to conciliation or other measures at the national level only when the complainant had indicated interest on the submission form, rather than when the Officers of the Governing Body or the ad hoc tripartite committee decided to encourage such measures; however, the group was open to other views on the matter. Based on the need to ensure coherence and avoid any overlap between supervisory bodies, she requested the Office to provide suggestions on how to proceed when an article 24 representation was submitted on a topic already under examination by another supervisory body.

132. The draft standardized form for electronic submission of article 24 representations could unburden, clarify and strengthen the procedures, and appeared to cover the relevant issues. However, the group had supported the removal of question 7 from the draft form, in line with the Governing Body’s concerns that it could place an undue burden on the complainant, and would like to know why it had been retained.

133. The group continued to support the proposal to publish an information document for the Governing Body on the status of pending cases, and the proposals regarding the integrity of the procedure and measures to protect ad hoc committee members from undue interference. Her group also continued to support ratification of the Conventions concerned as a condition for government membership of ad hoc tripartite committees, and appreciated the inclusion

of provisions for situations in which no Governing Body member met that condition. It was useful to have the analysis of the past ten years, which suggested that the new measure would be feasible. She asked the Office to further clarify how often the Government member had originated from a non-ratifying country, given that the new provision would only apply to Government members.

134. IMEC continued to support measures to reinforce integration of follow-up measures in the recommendations of committees and to produce a regularly updated information document on the effect given to those recommendations. The group appreciated that follow-up by the ad hoc tripartite committees could strengthen visibility and tripartite governance, but considered that the practical constraints involved in keeping representations open, regular supervision suspended and ad hoc committees in place made the proposal unworkable; the task of the ad hoc committee should continue to end with the approval of its report.
135. She expressed continued support for the referral of article 24 representations on freedom of association to the CFA. The current distinction between article 24 representations and regular complaints to the CFA was sufficiently clear, but the group did not object to further assessment of measures to make it even clearer. Indeed, IMEC would strongly prefer to refer the matter to the CFA for assessment and proposals before taking any further decision, and invited the Office to provide information on how the CFA had handled previous article 24 cases. The group would like to invite the CFA to consider modalities for handling article 24 representations under procedures more closely aligned with those used for other article 24 measures. IMEC supported paragraph 72(1) and (4) of the draft decision in full.
136. *Speaking on behalf of ASEAN*, a Government representative of Thailand highlighted the need to optimize existing legal procedures at the national level in the case of voluntary conciliation; that would both reinforce the ILO's efforts to promote social dialogue, and strengthen institutional trust and capacity among the relevant national stakeholders. His group did not believe that ratification of the Conventions concerned should be a qualification criterion for government membership of ad hoc tripartite committees reviewing representations.
137. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that she was satisfied with the possible adjustments to the processing of representations and the details regarding recourse to optional voluntary conciliation at the national level. The new article 24 procedure proposed in figure 1 was a good compromise and the safeguards were well established. As to the referral of representations concerning freedom of association or collective bargaining to the CFA, the Governing Body had consistently decided to do so, and there had been no objections. She expressed support for paragraph 72(4) of the draft decision, as the CFA should examine representations according to the same procedure provided for by the Standing Orders concerning the examination of article 24 representations; that would also take into account the expertise of the CFA. The CFA could also examine representations in a different way, such as through a subcommittee, which would respect the format of the ad hoc tripartite committee provided for under the article 24 procedure and allow analysis of all elements of the representation and assignment of the necessary time. Such a compromise was close to that proposed by the social partners.
138. *The Employer spokesperson* said that the current discussion presented an opportunity to rectify weaknesses in the article 24 procedure, in particular the lack of transparency and efficiency, and to reinforce tripartite governance. His group had consistently disagreed with the concept of automatic referrals, and some governments had called for clarification on the situation. If the Governing Body decided to refer article 24 representations to the CFA, as was its prerogative, he reiterated that an ad hoc subcommittee should be established and given sufficient time to examine the merits of the representation dealing with the ratified Conventions in a separate meeting, to ensure access to all relevant details of the

representation. Moreover, if the ad hoc subcommittee decided to base its decision on the *Digest*, it should do so in addition to other sources, including the statements made by the tripartite constituents during the 323rd Session of the Governing Body.

139. The temporary suspension of the article 24 procedure should not be limited to six months; indeed, there should not necessarily be a time limit at all. The procedure should allow more time for documents to be submitted, and he requested the Governing Body to allow constituents to submit documents up to five days before the discussion instead of the current deadline of 15 days prior, to ensure that they had adequate time to prepare.
140. *The Worker spokesperson* said that the Workers' and the Employers' groups proposed the following amendments to the draft decision. The words "for a maximum period of six months" should be added to paragraph 72(1)(a) before "of the examination of the merits", and the words "as expressed in the complaint form, and the agreement of the Government" should be added after "the complainant" in the same paragraph. The words "at the March and November Governing Body sessions" should be added to paragraph 72(1)(b) after "representations". A new paragraph 72(1)(b)(i) should be added, to read: "Governing Body members of article 24 committees need to receive all information and relevant documents from the Office sufficient time in advance before they are called to adopt conclusions of their committees (15 days in advance)". In paragraph 72(1)(d), the word "existing" should be added before "measures" and the words "possible other measures agreed by the Governing Body where necessary" should be added after "measures". The words "for its consideration by the Governing Body" should be added to paragraph 72(1)(e) after "effect given to these recommendations". Lastly, paragraph 72(4) should be amended to read: "Instructs the Committee on Freedom of Association to examine representations referred to it according to the procedures set out in the Standing Orders for the examination of article 24 representations, to ensure that representations referred to it be examined according to the modalities set out in the Standing Orders".
141. Turning to the streamlining of reporting, the Workers supported the proposals on the computerization of the supervisory system, in particular the development of an electronic information management system and e-reporting. However, they did not support the inclusion of overly simplified options such as indicating "no changes since last report", which could discourage governments from providing information. The ILO should bear in mind a lack of computer facilities and Internet access in some parts of the world; e-reporting should therefore remain optional, at least during a transitional phase.
142. With regard to the thematic grouping of Conventions for reporting purposes, her group would have preferred option 1, but could consider accepting option 2. Its concern was over extending the reporting cycle for technical Conventions from five to six years. It was important, before going in that direction, for the CEACR to review, clarify and explore the possibility of breaking the reporting cycle with respect to technical Conventions. Her group agreed on the need for a more coherent and holistic analysis, provided that clear recommendations were provided to constituents on the requirements under each Convention. Her group also accepted the adoption of a consolidated report form for all simplified reports and welcomed the decision to introduce "urgent appeals" in certain cases of failure to report.
143. With respect to the availability of information contained in article 22 reports and their publicity, the proposed pilot project for the establishment of baselines on the application by member States of ratified Conventions would be interesting as part of ILO research and advisory functions. The Employers and the Workers agreed that it should be implemented on the basis of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

144. *The Employer spokesperson* expressed his group's continued preference for option 2 with respect to the thematic grouping of Conventions for reporting purposes. As for the availability of information contained in article 22 reports and their publicity, his group would prefer to test the proposed pilot project on the basis of Convention No. 187 rather than the more complex Maritime Labour Convention, 2006, (MLC, 2006), as amended. Paragraph 72(7)(d) of the draft decision should be amended accordingly.
145. With regard to paragraph 60 of the document and the invitation to the CEACR to make proposals on its possible contribution to optimizing the use made of article 19, paragraphs 5(e) and 6(d), of the Constitution, the Employers proposed adding to the end of paragraph 72(5) of the draft decision the wording "in particular by considering measures to improve the presentation of General Surveys, so as to ensure a user-friendly approach and format that maximizes their value for constituents".
146. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that his group strongly supported the streamlining of reporting. Noting the Office's assurance that it would listen to governments' concerns on e-reporting, it looked forward to receiving more information on the progress of proposals at the 334th Session of the Governing Body. Computerization should be approached carefully and take into account information technology facilities in developing countries. His group welcomed the thematic grouping of Conventions under option 2. He stressed that member States should not have to assume more reporting obligations and said that the 1 September deadline for the submission of regular reports was not too late. Although it was regrettable that fewer article 22 reports had been submitted to the Office on time for the 2017 session of the CEACR in comparison to the previous year, it was important to acknowledge that governments were increasingly obliged to report and hold consultations with the social partners. His group welcomed the Office's proposal to provide more information on a pilot project for the establishment of baselines for the MLC, 2006, as amended, and other Conventions such as Convention No. 187.
147. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that effective computerization of reporting systems would require not only additional time but also robust technical assistance, in the form of infrastructure and training, so that no member States or other constituents were left behind. In general, her region had a strong preference for resolving disputes at the national level wherever possible.
148. *Speaking on behalf of ASPAG*, a Government representative of China said that his group supported streamlined reporting through the thematic grouping of Conventions as per option 2. ASPAG also strongly supported the proposed new form for simplified article 22 reports, as it would facilitate reporting and improve readability. A pilot project to establish baselines was welcome in so far as participation in the project was purely voluntary. A detailed proposal for computerizing the supervisory system would also be welcome so long as it was accompanied by a training programme tailored to the needs of developing countries.
149. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group supported the thematic grouping of Conventions using option 2 and the adoption of a new form for simplified reports. The proposed virtual platform was welcome, and the MLC, 2006, was a particularly suitable choice for a pilot. Regarding the cost information set forth in paragraph 23 of the report, he inquired whether implementation of the e-reporting system would result in any savings arising from improved efficiency. The 1 September deadline for CEACR reports should be retained. It was unclear what was at issue in the discussion of the Committee's working methods; there were already safeguards in place for cases that arose outside the regular reporting cycle, and the criteria for accommodating exceptional cases within the supervisory system were not excessively strict. As for online reporting, the Information System on International Labour Standards platform, NORMLEX, was an

appropriate site for hosting the new system. There should be ongoing communication with constituents to ensure that the system was user-friendly for them. While his group was in favour of computerization, governments should be allowed to continue providing paper reports for the time being if they wished to do so.

- 150.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group also supported using option 2 to thematically group Conventions. Given that the new reporting arrangements would not take effect until 2019, the current reporting cycle should remain in place for governments that had already begun their reports for 2018. Although IMEC fully supported computerization, it remained unclear whether the proposed e-reporting system would be a substantial improvement over the existing system. Nevertheless, as electronic processing and sorting of information was a key objective of the Standards Initiative, her group was willing to consider possible e-reporting systems as set forth in paragraph 72(7)(c) of the document. That approval was not open-ended, however; the Office must consult with governments during the design phase and provide opportunities for them to test and provide feedback on the user interface before trial reports were submitted. IMEC also strongly preferred a system whereby governments could continue to submit comments from social partners along with their national reports, in line with current processes and obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- 151.** While the current report forms were not unclear, IMEC still supported a new form for simplified reports and welcomed the fact that any major changes would be subject to Governing Body approval during the transition to electronic forms. Her group still held that ILO requests for reporting should be sent directly to ministries of labour rather than transmitted through national missions in Geneva. As it remained impossible for governments to meet a reporting deadline any earlier than 1 September, the Office should consider the proposals outlined in paragraph 48 of the document in order to alleviate its workload while retaining the existing deadline. IMEC was open to designating a pilot Convention for establishing baselines, and she agreed that Convention No. 187 could be a simpler, more cost-effective candidate than the MLC, 2006. However, further information was needed on the related costs, the feasibility of scaling up the pilot and the extent to which the text of the reports would be made public. For some governments, producing reports for publication on the Internet would require considerable extra preparation. IMEC supported subparagraph 72(5) of the draft decision, including the invitation to the CEACR to make proposals on ways of optimizing the use made of article 19 of the Constitution, in so far as the goal was to enhance existing reporting and not to increase the reporting burden.
- 152.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that while the ILO's efforts to optimize the article 22 reporting process were appreciated, more information was needed in order to determine the best method for doing so, given the potential impact on the already heavy reporting burden of member States. Participation in the project and any subsequent expansions must therefore be voluntary. Computerization of the supervisory system, simplified report forms and the thematic grouping of Conventions held great promise. A comprehensive, easy-to-use platform, if well implemented, would enable better planning and timely execution, with the potential to ease the reporting process for member States significantly. To that end, training should be provided to government officials on reporting methodologies and proper navigation of the system.
- 153.** *The Chairperson* invited the Governing Body to consider ways of making better use of article 19, paragraphs 5(e) and 6(d), with reference to subparagraphs (3), (6) and (7)(b) of the draft decision set out in paragraph 72 of the document.
- 154.** *The Employer spokesperson* said that choosing a topic for the General Surveys must not distract from the fact that the Surveys should cover all provisions of the selected instruments,

in line with article 19, paragraph 5(e), of the ILO Constitution. It would be unacceptable and outside the spirit of article 19 to hold a General Survey in which only those provisions of an instrument related to a given topic were considered. As the future questionnaire must fall within the scope of article 19, paragraphs 5(e) and 6(d), it was doubtful that it could also address broader policy matters, given that ILO Conventions and Recommendations did not refer to the Organization's broader strategic objectives.

- 155.** The Employers welcomed the proposals contained in paragraph 60 of the document as to ways that the CEACR could contribute to optimizing the use of article 19. The first step should be to explore what could be improved in terms of how the General Surveys served ongoing discussions. Targeted measures, including improved questionnaires, should then be developed on that basis. General Surveys containing complete, solid and relevant information presented in an easily comprehensible manner would help advance meaningful discussions and outcomes and contribute to discussions of the SRM TWG.
- 156.** *The Worker spokesperson* said that it was a priority for her group to make article 19 more effective; the Governing Body should submit proposals to that effect at its session in November 2018, as planned. Increasing ratification rates of ILO Conventions across all regions should be a key element of the supervisory system, and would be in line with the Social Justice Declaration. The Governing Body should therefore pursue the existing modalities for developing questionnaires. She expressed concern, however, at the implication in paragraph 56(2) of the document that outdated provisions were the only obstacle to ratification when, in fact, numerous other factors should also be taken into account, including the lack of technical assistance from the Office and insufficient promotion of standards. Moreover, the matter of deciding whether a provision was up to date was highly subjective and best left to the Office or other experts.
- 157.** Her group supported the introduction of measures to enhance the submission rate and quality of reports, as proposed; requesting proposals from the CEACR with regard to the optimized use of article 19; and the introduction of the proposed measures for enhancing discussion of the General Surveys during informal tripartite consultations on the working methods of the CAS. It would be useful to appoint experts on that subject, but difficult to do so in practice in view of the limited working time available to the Committee. CAS officers should continue to address and discuss General Surveys with the Governing Body following their own discussions. In addition, the overall debate on and follow-up to the General Surveys should be improved. The amendment proposed by the Workers' and Employers' groups had introduced more general language in subparagraph 72(3) of the draft decision for that reason, in order to allow for further discussion.
- 158.** With regard to the annual review under the follow-up to the ILO 1998 Declaration, the Workers supported the proposals made in the document to improve the discussion of the annual reviews in the ILO Governing Body.
- 159.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that his group had no unified position regarding the article 19 procedure but reiterated its call for coherence within the supervisory system as a whole; in particular, duplication of efforts and increases to the reporting burden should be avoided.
- 160.** *Speaking on behalf of ASPAG*, a Government representative of China said that while the improved use of article 19 would be welcome, it must not lead to a greater reporting burden. Efforts to streamline the process should focus on increasing the usefulness of reports and not distract from the reporting itself. Similarly, future Governing Body discussions on the topic should be better structured and provide clearer information to constituents.

- 161.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay, said it was important to improve the efficiency of the supervisory system. The practice of holding two discussions at two subsequent sessions of the Governing Body should be continued. Regarding follow-up, the proposal to invite governments of States that had not yet ratified certain Conventions raised many questions and would create an extra burden for the Governing Body agenda. Who would decide which States would be invited and to what extent would governments be able to discuss their cases in depth? The measures outlined in paragraph 63 did not meet the expectations of governments with regard to the CAS. The General Survey deserved an in-depth, tripartite discussion. Some available measures had not been mentioned, such as advance consultations on the CAS conclusions with respect to the General Survey. The CAS conclusions, and the General Survey in particular, should be evaluated. GRULAC had on many occasions requested that informal consultations on the working methods of the CAS be extended to include a larger number of governments, for example 16 governments – four per region, eight Employers and eight Workers.
- 162.** Regarding actions submitted for guidance, dialogue between the supervisory bodies could be a useful and interesting tool to strengthen the system, overcome unnecessary duplication and assess consensus. Care should be taken regarding which information to share and the aim should be to increase efficiency, not to address the substance of individual cases. The action could be trialled for a limited time on an experimental basis. The working methods of the supervisory bodies could not be limited to just those bodies, given the implications for the system as a whole. With regard to the discussion of the Standards Initiative at the 334th Session, GRULAC would like to see an item for discussion, subject to prior tripartite consultation, on the working methods of the supervisory bodies. GRULAC fully supported a discussion on enhancing the transparency of the mechanism. The working methods of the Governing Body with regard to article 26 had evolved to better include the tripartite constituents. Visibility given to cases in the Governing Body might infer the suspension of all other special supervisory procedures, once the decision on the receivability of a case by the Governing Body had been made. Finally, GRULAC was in favour of further steps to ensure legal certainty. It was a fundamental value which should be ensured under all the existing supervisory procedures. The establishment of a new body under article 37(2) should be taken up at a later date; it did not constitute a solution to the challenge of legal certainty.
- 163.** *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC aligned itself with the Government group statement. General Surveys were valuable reports which deserved more attention. General Surveys could feature more prominently in the work done on the recurrent discussions and she appreciated the Office's recent efforts to propose subjects that aligned General Surveys and recurrent discussions under the same strategic objective. However, article 19 requests had become both broad and lengthy in recent years. The objective was to streamline reporting and to make better use of existing reporting. Therefore IMEC did not support the proposed broadening of questions included in article 19 requests, as suggested in paragraph 56(2), or further suggestions in paragraph 57 pertaining to the promotion of instruments. She asked the Office to clarify the proposal for the inclusion of questions on the broader policy context, which would serve to unnecessarily lengthen and complicate the questionnaires, potentially expanding them beyond the scope of the selected Conventions or instruments. She welcomed the suggestion that questionnaires could invite constituents to present views in respect of provisions of instruments that were no longer considered up to date.
- 164.** With regard to paragraph 72(3) of the draft decision, IMEC supported the proposal to create a standing item at the November Governing Body sessions to follow up the discussion of the General Survey. In the interest of time management, non-ratifying governments should not be invited to speak, but could be allowed to submit written information to inform the discussion. The standing item could be trialled before full implementation to determine whether it facilitated linkages. IMEC supported paragraph 72(6) of the draft decision, on the

understanding that the Governing Body was not asking for more time to be dedicated to the discussion of the General Survey at the expense of time allotted to individual cases. There was strong opposition to the establishment of parallel sittings or subcommittees, which would limit the full participation of all delegates in the work of the Committee. IMEC supported the suggestion that the time allotted to opening items in the CAS could be reduced; that question could be referred to the Working Group on the Working Methods of the CAS. Finally, IMEC sought further explanation from the Office on recourse to experts during the CAS discussion of the General Surveys, as proposed in paragraph 62. It was important to exercise caution when introducing new elements or speakers and to ensure that such modifications would add value to the Committee's work. With those comments, IMEC supported paragraphs 72(3), (6) and (7)(b) of the draft decision.

- 165.** *The Chairperson* said that, having heard all the interventions on that part of the document, the discussion would proceed with the proposal for a follow-up procedure, outlined in paragraph 72(7)(a).
- 166.** *The Worker spokesperson* recalled, regarding action 1.2, that her group had already said it was not in favour of a regular meeting between the supervisory bodies, which might end up unduly influencing and undermining the independence and authority of the supervisory system. It did not recognize any added value in terms of strengthening the supervisory system. She stressed the importance for the Governing Body to consider the three actions arising out of the "Joint Position of the Workers' and Employers' groups on the ILO Supervisory Mechanism". She did not support action 2.1 because it would limit the various methods currently used by the Governing Body to handle cases, taking into account the content of the case and country situation. She supported the development of a guide to explain the procedure and linkages with other procedures. Regarding action 2.3, she strongly supported the proposal for informal tripartite consultations on the elements and conditions necessary for the operation of an independent body under article 37(2) of the ILO Constitution, leading to an item on the Governing Body agenda if the consultations resulted in tripartite consensus. She asked the Office to clarify how the points were related to preparations for the November Governing Body session. She asked the Employers to clarify which part of the text had not yet been agreed.
- 167.** *The Employer spokesperson* said with regard to action 2.1 that the Employers supported a staged approach on the understanding that the second step, the codification, would not be automatic but would depend on the outcome of the first step. Regarding action 2.3, he recalled that in earlier discussions and consultations there had been little support for developing that proposal further, given the difficult political and legal questions involved. While he was not opposed to tripartite consultations on the issue, he stressed that there was no automatism between the first and second steps, let alone between the second step and the setting up of a body under article 37(2); he wished the Office to note that position. He proposed an amendment to the draft decision.
- 168.** *Speaking on behalf of IMEC*, a Government representative of the United States said that regarding action 1.2, IMEC fully supported the notion of increased transparency, coherence and communication between the supervisory bodies. Nevertheless, constituents had expressed reservations about the added value of that option and she therefore suggested its withdrawal. She had concerns about the additional cost the meeting would incur and doubts surrounding the feasibility and utility. IMEC was generally supportive of the three actions arising out of the "Joint Position of the Workers' and Employers' groups on the ILO Supervisory Mechanism" of March 2017 listed in paragraph 68 and would welcome a fuller discussion of the details of the proposals. With regard to action 2.1, IMEC considered that clear, transparent and accessible information regarding the article 26 procedure could guide members, helping them to better understand procedural requirements and to prepare for cases. Clear articulation of procedures could also improve time management in Governing

Body discussions, particularly of new complaints. IMEC supported the staged approach, and expected considerations during the second stage to include discussion of the admissibility criteria. IMEC did not yet have a position regarding action 2.3. It supported paragraph 72(7)(a) of the draft decision and looked forward to reviewing proposals for discussion at the 334th Session of the Governing Body.

- 169.** She suggested that for the future, there should be clear delineation between the various topics in the structure of the paper, in the discussion and in the draft decision. Each topic should be taken separately as independent subtopics, each with its own draft decision. Furthermore, the draft decision should be explicit and not include references to specific paragraphs containing alternatives, which complicated the Governing Body's discussion and created a lack of clarity. With those comments IMEC supported paragraph 72(7)(a) of the draft decision and paragraph 72 in full as drafted.
- 170.** *A Government representative of Switzerland*, said that Switzerland supported the three actions presented in paragraph 68 and welcomed the first annual report of the CFA, which was an important step in increased transparency and exchange of information with other ILO bodies. Switzerland had always supported the reinforcement of the legal certainty of the system and therefore also supported paragraph 71, aligning itself with the statement made by France. He supported the draft decision.
- 171.** *A representative of the Director-General (Director, NORMES)*, responding to a question from IMEC on the structure of the discussion of the document, acknowledged that the document was very complex. As far as possible, the Office would take the comments into account for the preparation of the next report. The Office proposed holding individual meetings with the three groups, followed by a tripartite discussion, to look at the three actions proposed and consider how tripartite discussions could be organized on the subject.
- 172.** *The Chairperson* suspended the remainder of the discussion until the second week of the Governing Body.
- 173.** *The decision was deferred to a future session of the Governing Body.*

Sixth item on the agenda

Results of the implementation of the ILO Action Plan for Gender Equality 2016–17, and outline of the subsequent ILO Action Plan ([GB.332/INS/6](#))

- 174.** *The Employer spokesperson* welcomed the opportunity to examine implementation results of the Action Plan 2016–17 and to provide guidance on the approach of the Action Plan 2018–21. Gender equality was at the heart of the ILO mandate and the Employers were favourable towards measures towards that in the Action Plan. Although the report contained useful information, it had not integrated the Employers' group's comments at the 326th Session of the Governing Body on the Action Plan 2010–15 when it had asked the Office to systematically assess through a qualitative analysis why some targets had been met while others had not. The report did not provide lessons learned on factors hindering or promoting success, obstacles to achieving targets, how to better measure results, and how ILO staff could be held more accountable for target attainment. It would also have been useful for the report to provide a perspective on progress made since 2010 by comparing results with previous bienniums.

175. The report did show that the majority of the Action Plan 2016–17 targets had been met, and that was laudable, although nine of 32 indicators had not been met, especially those on evaluation. That was a reflection of the difficulties in achieving gender equality in organizations, which needed strong engagement by management and a change in organizational culture at all levels.
176. She expressed concern at the Office’s approach, which sought to quantify results using indicators that were not adapted to different circumstances. Any quantitative approach should be analysed within the context of the country and its institutions. A standardized evaluation system based on absolute figures would not allow the Office to adequately measure gender equality in a particular context, nor identify relevant challenges; future reports should include qualitative as well as quantitative results.
177. The Employers expressed the hope that the Office would produce a synthesized Action Plan 2018–21 so as not to dilute the essence of the gender equality policy. The Action Plan should be easily comprehensible to all ILO staff in field offices and at headquarters. It was not necessary to increase the number of indicators for each new action plan, and some indicators could be reformulated to be more relevant and concise. The Office should prioritize effective means of communication with the priority on management teams and department and unit heads.
178. She supported aligning the Action Plan 2018–21 indicators with version 2.0 of the United Nations System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) and relevant SDG targets, and it must take into account lessons learned to better support constituents. Progress must be made internally so that the ILO could maintain its leading role in advocating for gender parity and join the other UN entities that had already achieved parity. The Action Plan 2018–21 should be aligned with the ILO Strategic Plan 2018–21. The Employers would like more information on future actions, in particular how the next Action Plan would serve as a basis for concrete actions under the Women at Work Initiative. The Employers’ group supported the draft decision.
179. *The Worker spokesperson* stated that her group fully endorsed the call of the ILO gender equality policy to take a leading role in international efforts to promote and realize gender equality. She welcomed the renewed focus on achieving gender parity at all UN levels.
180. She noted with satisfaction that 20 of the 32 Action Plan 2016–17 indicators had been met or exceeded – although nine had not, especially on evaluation, and statistics had not yet been available for three. She welcomed the fact that the Gender, Equality and Diversity and HIV and AIDS in the world of work Branch had developed more objective and quantifiable measurement criteria to assess implementation of the policy driver on gender equality and non-discrimination. She noted with satisfaction the progress on gender-responsive DWCPs and encouraged the Office and constituents to continue working towards the 55 per cent target. She noted efforts by the Gender, Equality and Diversity and HIV and AIDS in the world of work Branch to address the previously alarming situation of gender perspectives in development cooperation, and suggested that training and orientation sessions for new ILO staff members should systematically include a session on integrating gender into development cooperation.
181. The lack of gender-specific extra-budgetary approvals in the last biennium was a cause of concern; the Office should explain how that situation would be remedied and launch an appeal for donors. Her group expressed regret at the failure to achieve the 38 per cent target for women in senior staff positions; the Office should take action to achieve gender parity as set out in the UN System-wide Strategy on Gender Parity. The term “business owners” was not consistent with the ILO’s mission and should be amended in the following action plan, perhaps to “custodian”. Concerning results on evaluation, while the targets may have

been ambitious, the indicators were extremely low and much greater effort was needed to remedy that. She welcomed the fact that the evaluation strategy proposed to improve performance on gender-related indicators and expected that that would produce improved results in the coming years.

- 182.** More details about the Action Plan 2018–21 would have been useful, in an annex to the report. The introduction of the aims and strategy of the Action Plan 2018–21 should include a reference to international labour standards related to gender. The section on aims and strategies should provide examples of how the ILO would better support constituents to ensure equality issues were addressed in policy agendas. In the section on accountability and responsibility, the proposed target of only one high-level result on gender equality and the empowerment of women in the main planning document should be increased. In the section on monitoring, reporting and evaluation, clarification was needed on implications of aligning the Office’s annual monitoring with reporting to UN Women, in particular how that would impact on the Governing Body’s governance of the Action Plan. The ILO should continuously engage with UN Women, especially in the UN Commission on the Status of Women, and increase efforts on gender mainstreaming in the UN system, discussions on UN reform and the implementation of the 2030 Agenda. Each UN entity should integrate others’ best practices on gender issues. She welcomed the indicators on gender parity at the Regional Meetings and the International Labour Conference, and called on her colleagues in the Workers’ group to increase the proportion of women at the Conference and other ILO meetings. She expressed support for the programmatic indicators outlined in paragraph 21, but requested more information on the UN-SWAP indicators to which the relevant ILO indicators were to be aligned. The Workers’ group supported the draft decision.
- 183.** *Speaking on behalf of ASPAG*, a Government representative of Australia commended the Office on achieving or exceeding 20 out of the 32 indicators, particularly on improving the integration of sex-disaggregated data and analysis into its reporting, and welcomed the alignment of reporting with UN-SWAP. Greater efforts were needed to achieve the indicators under Evaluation, and the Office should include indicators for improving business ownership. The Better Work programme’s internal communications campaign on gender issues was welcome and should be replicated more broadly. She supported the proposal to align the Action Plan 2018–21 with the ILO’s Strategic Plan for 2018–21.
- 184.** It was critical for the Office to insist on staff accountability for gender equality, and when recruiting or organizing events and meetings that should be at front of mind. The ILO should consider a 50/50 gender split for panels and speakers to ensure it became the norm. She supported the inclusion of strong gender parity targets for delegates to the International Labour Conference and Regional Meetings, which should be the goal for all ILO meetings, missions and committees. She stated that her group emphasized the importance of allocating sufficient financial and human resources, including for country programmes, to support the promotion of gender equality and non-discrimination. The ILO should put the principles into practice and ensure women and men were equally represented in all aspects of the Organization. Gender-responsive analysis and a sustained focus on gender at the institutional, policy and programme levels should be pursued and linked to the Women at Work Initiative. Further information would be welcome on the impact of the Action Plan 2018–21 on the lead-up to the Organization’s centenary. ASPAG supported the draft decision.
- 185.** *Speaking on behalf of the Africa group*, a Government representative of Rwanda noted with appreciation the progress made in implementing the Action Plan 2016–17, the elements of the subsequent plan, the alignment of indicators with the revised and strengthened UN-SWAP indicators, and the 28 per cent increase in indicators in the Programme and Budget 2018–19 that were gender-inclusive. While 20 of the 32 Action Plan 2016–17

indicators had been met or exceeded, nine had not, notably concerning development cooperation.

- 186.** During implementation of the Action Plan 2018–21, the Office should pay special attention to: strengthening mechanisms for gender mainstreaming in interventions to promote livelihoods and reduce poverty; enhancing mechanisms on equal access to fair employment practices and economic benefits; promoting the elimination of violence against women while strengthening mechanisms to respond to the needs of vulnerable women; promoting equal access and full participation of women in power structures and conflict prevention and dissolution; ensuring women’s equal access to, and full participation in, decision-making and leadership; increasing technical assistance to implement DWCPs with a view to achieving the SDGs; and clarifying the role of the cross-cutting policy driver and how resources would be allocated to ensure implementation of the gender equality policy. The Africa group supported the draft decision.
- 187.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that the progress achieved under the Action Plan 2016–17 was a great improvement on that made under the previous plan, but it was important not to be complacent. With regard to the Action Plan 2018–21, she welcomed the retention of two indicators on accountability, which had been piloted in the Action Plan 2016–17, and the introduction of indicators on leadership and the gender-related SDG targets. Alignment of the ILO Action Plan 2018–21 indicators with those of the UN-SWAP 2.0 was welcome, as was the recognition that separate reporting obligations to both the Governing Body and UN Women should be fulfilled. She requested the Office to continue publishing data on all UN-SWAP 2.0 implementation efforts and to explain how the Action Plan 2018–21 would take into account the System-wide Strategy on Gender Parity.
- 188.** It was important for the ILO to lead by example, so it was disappointing that the target for women in senior staff positions had been missed, which was a reduction of 1 per cent on the target of 35 per cent in 2015; efforts should be redoubled in that regard. The data on gender components in development cooperation projects continued to give cause for concern, and there were no gender-specific extra-budgetary approvals. IMEC therefore welcomed the planned efforts concerning the results-based management of the Action Plan 2018–21 to redress the low share of gender-responsive development cooperation. It was also important to strengthen the effectiveness of gender equality and non-discrimination as cross-cutting policy drivers.
- 189.** Efforts to develop staff members’ skills in conducting gender analysis would help to raise the visibility of the ILO’s gender-related achievements. Despite significant progress on gender-responsive DWCPs, the target had not been met and must therefore remain an area of focus in the Action Plan 2018–21. She expressed concern that only nine of the 36 policy outcome indicators in the Programme and Budget for 2018–19 contained gender equality and/or sex disaggregation as part of the indicator statement or qualitative criteria for success. The Office should clarify why gender equality aspects were taken into account more in the findings and conclusions of evaluations than in their design, methods and analysis. ILO standards on gender equality and non-discrimination at work were not mentioned in the report’s summary about the approach of the Action Plan 2018–21, despite two of them being core Conventions; she asked whether the Action Plan contained specific activities to promote those Conventions and whether it would cover the forthcoming standard-setting discussion on violence and harassment in the world of work. She welcomed the selection of the Women at Work Initiative as the theme for the Director-General’s Report to the 2018 session of the Conference and expressed the hope that the resultant discussion would be taken into account in future ILO action on gender equality. IMEC supported the draft decision.

190. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that it was regrettable that the target of 38 per cent women in senior positions had not been attained. It would be useful for reports to indicate the geographical distribution of Director, Professional and General Service posts occupied by women. Efforts should be redoubled to exceed the target of incorporating the gender dimension in 55 per cent of DWCPs. The alignment of the Action Plan 2018–21 with the Strategic Plan for the same period was welcome and would improve the coordination of efforts on the representation of women in specific areas and the measurement and analysis of results. Engagement with UN Women and the alignment of the Action Plan 2018–21 indicators with the gender-related SDG indicators were most welcome. GRULAC reiterated its commitment to work with the Office in order to achieve positive results in implementing the next Action Plan.
191. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina, and the Republic of Moldova aligned themselves with the statement. She supported the statement made on behalf of IMEC. Gender equality and women's empowerment ranked high on the agenda of the EU, and was a key issue in various EU strategies. It was important to maintain, and build on, progress achieved by women in the last century, and to take action to mainstream gender equality policies at the global level. She welcomed the Director-General's campaign against sexual harassment in the ILO, including in the field, and urged him to be transparent in ensuring a safe environment for victims to report incidents and concerns with the assurance that they would be dealt with appropriately. The UN system also required a robust mechanism to protect people in vulnerable positions in the field. Perpetrators of sexual exploitation and abuse and those who condoned them or managers who failed to take action had to be held to account.
192. Gender gaps persisted in several critical areas, which often led to women being at greater risk of poverty than men. Gender equality was essential for improving the functioning of labour markets and generating economic growth, which was particularly relevant to the future of work. That would require an integrated approach including policies and measures aimed at eradicating poverty, creating decent work opportunities, improving education and training and skills, combating gender-based violence, and providing social and health services. The ILO should continue efforts to incorporate gender equality in all organizational practices, policies and programmes, including in cooperation activities and by advocating against perceptions and social norms that led to discriminatory behaviours. ILO managers at headquarters and in the field should be adequately trained to provide constituents with tailored support on gender equality issues. She welcomed the results-based approach taken in the Action Plan 2018–21 and the additional indicators, and emphasized the importance of effective resource allocation and of accountability and reporting mechanisms. Aligning the Office's reporting on gender equality with reporting to UN Women would improve transparency, consistency and efficiency. She urged the ILO to undertake targeted efforts to promote gender equality in the implementation of the ILO Strategic Plan 2018–21 and the Programme and Budget for 2018–19 and 2020–21. The EU and its Member States supported the draft decision.
193. *A Government representative of China* welcomed the fact that 20 of the 32 indicators in the Action Plan 2016–17 had been met and encouraged the Office to continue to work towards the 38 per cent target for women holding senior positions. He expressed the hope that more women from developing countries would be recruited to such positions. He looked forward to receiving more information from the Office on the Action Plan 2018–21. China supported the draft decision.
194. *A Government representative of Argentina* said that gender equality could only be achieved through a continuous and concerted approach in policy governance. That required specific actions, including tripartite dialogue, equal pay, statistical monitoring of the gender pay gap,

and the enforcement of legislation to put an end to inequality. The President of Argentina had recently committed to ensuring legislation on equal pay was enforced and presenting a bill to extend paternity leave. She supported the conclusions of the Office document.

195. *A Government representative of Bangladesh* said that the achievement of 20 of the 32 indicators contained in the Action Plan 2016–17 was laudable; however, the Office should determine why the other targets had not been met and take steps to implement the Action Plan 2018–21 based on lessons learned. A strong evaluation and monitoring mechanism would ensure a results-driven outcome. He highlighted the progress made by Bangladesh to promote gender equality, including legislation and programmes to ensure access to education and health care, and the empowerment of women; moreover, the DWCP in Bangladesh included the gender dimension. The Office should disseminate good practices on gender equality through the implementation of flagship programmes that took regional and national priorities into account. Global and regional partnerships under the umbrella of South–South and triangular cooperation and efforts towards achieving SDG 17 would further the ILO’s efforts. He supported the draft decision.
196. *A representative of the Director-General* (Deputy Director-General for Policy (DDG/P)) expressed appreciation for the Governing Body’s recognition of the progress that had been made. Attaining gender equality was at the heart of the ILO’s mandate and a task for the whole Organization. Senior management took its role very seriously, and recognized that progress within the Office itself had a direct impact on policies and their implementation, and on the delivery of ILO activities in the field. The Director-General’s campaign against violence and harassment at work was just beginning, and was an important component of supporting ILO staff both at headquarters and in the field. With regard to how the ILO Action Plan would be aligned with the indicators provided by UN Women, the programme and budget would contain gender-related SDG targets; the Office would report to the Governing Body on efforts to strengthen capacity building of constituents; and the Office would ensure that ILO managers were gender champions. As to accountability, the Office was working to ensure that all DWCPs reflected gender equality. Additionally, contextual information on attainment of gender indicators in country programme outcomes was provided through the ILO’s Development Cooperation Dashboard.
197. The Office had noted the call for a more prioritized, concise and practical approach to gender equality in future action plans. The Action Plan 2018–21 focused on staffing, structure and substance, which were key to delivering gender-equal outcomes. The Director-General’s Report to the 2018 session of the International Labour Conference would provide an opportunity to follow up on the Women at Work Initiative; the work under it would be reflected in the Programme and Budget 2019–20. In line with its Human Resources Strategy 2018–21 and the UN System-wide Strategy on Gender Parity, the Office was to reach gender parity by 2021. Lastly, all international labour standards on women’s economic empowerment and gender equality were embedded in the Action Plan 2018–21.

Decision

198. *The Governing Body:*

- (a) *requested the Director-General to finalize and implement the ILO Action Plan for Gender Equality 2018–21, in light of the lessons learned from previous action plans, the revised UN System-wide Action Plan on Gender Equality and Empowerment of Women, and the UN System-wide Strategy on Gender Parity, and taking into account its guidance;*

- (b) instructed the Office to conduct monitoring that coincided with the reporting period for the UN System-wide Action Plan on Gender Equality and Empowerment of Women, while maintaining separate reporting to the Governing Body on progress and gaps in meeting targets at the midpoint of implementation, as well as on implementation results and proposed approaches of future action plans; and*
- (c) requested the Director-General to take into consideration its guidance in pursuing the ILO's mandate to promote gender equality in the implementation of the ILO Strategic Plan for 2018–21 and the two corresponding programme and budgets, and in facilitating extra-budgetary resources.*

(GB.332/INS/6, paragraph 23.)

Seventh item on the agenda

Review and possible revisions of formats and standing orders for meetings

([GB.332/INS/7](#))

199. *The consideration of this item and the related decision were deferred to a later session of the Governing Body.*

Eighth 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.332/INS/8](#))

200. *A Government representative of Myanmar welcomed the recognition of his Government's efforts to promote and protect labour rights in Myanmar, particularly in relation to forced labour. He was pleased to announce that the Supplementary Understanding and a Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour had been extended on 22 January 2018.*
201. Myanmar was ready to resolve the remaining cases of under-age recruitment, and the number was decreasing. Legal action was being taken against perpetrators, with 87 military officers and 342 other ranks punished under the Penal Code and Defence Services Act since 2006. In addition, 8,998 seminars on forced labour and under-age recruitment had been conducted in military establishments between 2012 and 2018. The UN Country Task Force on Monitoring and Reporting and the ILO were also working together with the military to eliminate under-age recruitment; 877 under-age recruits had been returned to their parents since 2012.

- 202.** Turning to labour law reform, he noted that there were 15 domestic labour laws in force, 12 of which had been amended or enacted since 2012, including the Minimum Wages Act, the Employment and Skill Development Law and the Payment of Wages Law (2016). Regarding the Labour Organization Law, tripartite work was under way to address concerns expressed by the social partners in relation to its sectoral and geographical stipulations. The total number of registered labour organizations at all levels had reached 2,736. Proposed amendments to the Settlement of Labour Disputes Law had been submitted to the parliamentary Bill Committee on 11 January 2018 and negotiations with the social partners were under way; ILO technical assistance would be welcomed at the finalization stage.
- 203.** Tripartite work to promote labour rights was ongoing under the national tripartite body. Furthermore, the National Tripartite Dialogue Forum had endorsed the final version of the DWCP in January 2018. The DWCP focused on job creation, fundamental principles and rights at work, and social protection and occupational safety and health, and would be ready for launch by April 2018.
- 204.** Regarding the two convictions under article 505(b) of the Penal Code, Khaing Myo Htun had been released having served his sentence. Aung Ko Htwe was still awaiting trial and the Government would provide further information as the case progressed.
- 205.** Advances had been made towards eliminating child labour. Although it had not yet ratified Convention No. 138, the Government had amended the Shops and Establishments Law (2016) and the Factories Act 1951 to make 14 years the minimum age of employment. In early 2018, the National Committee on the Elimination of Child Labour had been reconvened, and a National Action Plan on Child Labour and a list of hazardous workplaces and activities were being prepared. Seafarers working outside Myanmar would also be better protected thanks to the ratification of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185).
- 206.** He concluded by reiterating his Government's commitment to cooperating with the social partners, the ILO and the international community. In the light of the progress made, he requested a review of the annual reporting requirement adopted by the Conference at its 102nd Session (2013).
- 207.** *The Worker spokesperson* welcomed the fact that, despite delays, the Government had extended both the Memorandum of Understanding and the Supplementary Understanding; it would have been useful if the Office had appended a copy of the agreements to document GB.332/INS/8. As to the statement in the document that that would allow the complaints mechanism and further cooperation on forced labour to continue during the transition to the DWCP, she asked whether the complaints mechanism would be halted once the DWCP was in operation, as there was no indication that an equivalent process would be established. More detailed information would have been appreciated on the content of the DWCP. As industrial relations were in the early stages of development, the DWCP should include training for lawmakers, civil servants and members of the judiciary on industrial relations, particularly freedom of association and collective bargaining.
- 208.** The tripartite consultations on reforms to the labour laws had made little substantive progress in two years. There was no real consensus-seeking and the social partners' positions during the consultations were not reflected in Government drafts, which conflicted with ILO standards. The Government's refusal to engage in negotiations regarding the adoption of legislation on collective bargaining to meet international standards was concerning. First, amendments to the Settlement of Labour Disputes Law covered primarily dispute resolution rather than setting standards for collective bargaining. The promotion of collective bargaining with non-unionized workers, where unions existed, would undermine industrial relations and ultimately have a detrimental impact on decent work. Furthermore, the draft

amendments did not address shortcomings in the functioning of the mediation and arbitration system. Second, proposed amendments to the Labour Organization Law did not fully comply with international labour standards, as geographic trade union structures were imposed, trade union plurality was restricted, and informal economy workers were denied the right to join or form unions. The number of trade unions would be halved and would no longer be registered, but acknowledged. Her group called on the Government to engage in effective tripartite negotiations to align the draft amendments with international labour standards. ILO support should be strengthened to include the provision of legal advice on the draft laws.

- 209.** As to cases of forced labour, the Office document did not provide information on how complaints had been handled. As the Governing Body had discussed the Government's failure to prosecute such cases at its previous session, she requested further information. The new case of imprisonment of an activist who had spoken out about forced labour was a serious breach of the Supplementary Understanding and called into question the Government's commitment to raising awareness of forced labour.
- 210.** She reiterated the Workers' concern about the military violence against the Rohingya people, which included extrajudicial killings, enforced disappearances, torture and inhumane treatment, and rape and other forms of sexual violence. Discussions in the Human Rights Council had revealed the Government's refusal to collaborate further with the Special Rapporteur on the situation of human rights in Myanmar. Her group urged the Government to end the military violence against the Rohingya people and to cooperate with the UN mechanisms to redress the situation.
- 211.** Regarding the draft decision, she proposed amending paragraph 18(a) to recognize that progress had been made on some, but not all, issues. Paragraph 18(b) should be amended to "urges the Government to engage in the process of law reform". As to paragraph 18(e), she sought clarification that, if reporting to each session of the Governing Body should cease, yearly reporting on forced labour cases would remain a requirement.
- 212.** *The Employer spokesperson* noted progress made in Myanmar towards the elimination of forced labour, and the cooperation with the ILO to that end. There was an urgent need and international pressure on the Government to manage the Rohingya crisis; the Government should continue cooperation with the UN with a view to achieving lasting peace, security and economic stability in the country.
- 213.** The information requested by the Employers on cases of under-age recruitment that had occurred before the Supplementary Understanding was first signed in 2007 was appreciated. As to the priority areas of the new DWCP, his group welcomed the first, on job creation with a focus on vulnerable populations, but was concerned about the second, which narrowly focused on labour law and neglected broader labour market governance, which was essential for a country in transition. While legislative reform was important, employers in Myanmar had stressed the need for better implementation of existing legislation to ensure the rule of law, which was essential for business to operate. From the Myanmar employers' perspective, the labour law reform should contribute to employers' productivity and competitiveness, respond to the needs of diverse employers, support job creation and create confidence in institutions. Also of concern was the lack of clarity in the Labour Organization Law about the formation of employers' organizations. The amendments to the Law must address that issue and provide for regulations to clarify the establishment and operation of employers' organizations in Myanmar. A further concern of the Employers was the need to build capacity and strengthen institutional structures to enable the introduction of specific standards on the formation of trade unions. Most importantly, social peace should be promoted among all relevant parties in the country.

214. He called upon the Office to continue to build the currently limited capacity of the constituents, taking into account their distinct functions in the labour market. His group hoped to see continued progress until the situation in Myanmar could be removed from the ILO agenda. He supported the draft decision, and could endorse the amendment proposed by the Workers' group.
215. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Norway and Georgia. She welcomed the progress in improving labour rights, while expressing deep concern about reports of serious human rights violations in the country, and the deterioration of the security and humanitarian situation in Rakhine State. The EU and its Member States would continue to address those issues as part of their political engagement with Myanmar and in multilateral forums. She welcomed the renewal of the Supplementary Understanding and Memorandum of Understanding. It was laudable that an agreement had been reached between the ILO and the Government, after consultation with the social partners, regarding the handling of pre-2007 cases of forced labour. The additional 78 complaints received since September 2017 within the scope of the Supplementary Understanding, including two cases of reprisals against complainants in forced labour cases, were a matter of particular concern.
216. The EU was actively participating in the Initiative to Promote Fundamental Labour Rights and Practices in Myanmar and had funded the third Stakeholders' Forum on Labour Law Reform. She applauded the steps taken by the Government to align its labour law with international labour standards and the two bills to be presented to Parliament. She encouraged the Government to continue to make progress by swiftly implementing the roadmap of labour law reform. Some important amendments still had to be made to the Labour Organization Law and the Settlement of Labour Disputes Law, such as removing sectoral and geographical restrictions and minimum membership requirements that would impede the right of unions to function properly. She welcomed the finalization of the DWCP and its coverage of freedom of association, forced labour and child labour, as well as its mainstreaming of gender issues. The Office's involvement and provision of technical assistance to the country was commendable. She supported the draft decision, and could accept the Workers' proposed amendment.
217. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that Australia aligned itself with the statement. He congratulated Myanmar on the extension of the Supplementary Understanding and agreement to the Memorandum of Understanding and associated Action Plan on the Elimination of Forced Labour, and welcomed the Government's endorsement of the DWCP following tripartite negotiations. He encouraged ILO member States to provide support for the implementation of the DWCP, and Myanmar to continue its labour law reform process through tripartite dialogue. He called on the international community to continue to assist the Government in promoting and protecting labour rights and enhancing social and economic development. He supported the draft decision.
218. *A Government representative of India* noted the positive steps taken by the Government of Myanmar through tripartite dialogue to advance labour law reform and review the minimum wage. He welcomed the extension of the Supplementary Understanding and agreement to the Memorandum of Understanding and associated Action Plan on the Elimination of Forced Labour, as well as the tripartite endorsement of Myanmar's first DWCP. The ILO and the international community should continue to support and extend technical assistance to the Government of Myanmar in its efforts to eliminate forced labour and promote decent work.

- 219.** *A Government representative of Japan* welcomed the significant progress made in some areas, in particular the signing of the agreements on the elimination of forced labour. He appreciated the Government's efforts to promote continued labour law reform and tripartite social dialogue. As Myanmar was an important partner for Japan, his Government would seek continued support for the country to ensure fundamental rights at work. He supported the draft decision.
- 220.** *A Government representative of the United States* welcomed the renewal of the Supplementary Understanding and agreement to the Memorandum of Understanding and associated Action Plan on the Elimination of Forced Labour, as well as the agreement to refer any new pre-2007 cases of under-age recruitment to a high-level working group to allow the complaints mechanism under the Supplementary Understanding to continue to function as before.
- 221.** Both the civilian and military authorities bore responsibility for the elimination of forced labour, and the military must renew and strengthen its cooperative agreement with the ILO to eliminate forced labour throughout the country and ensure its implementation. The Government must ensure that victims of forced labour received appropriate legal protection and that perpetrators were prosecuted. The Government of the United States was deeply concerned by reports of reprisals against complainants in forced labour cases, and urged the Government of Myanmar to release Aung Ko Htwe, who was imprisoned for talking about forced labour and the use of child soldiers, as well as to take meaningful action to prosecute perpetrators of forced labour and under-age recruitment.
- 222.** She encouraged the Government and social partners to make progress in reforming freedom of association legislation, and urged the Government, including Parliament, to respect the consultation process through the National Tripartite Dialogue Forum and give full consideration to any resultant proposed legislative amendments. The ILO should step up technical assistance to ensure that legislators had the technical advice necessary to advance a strong legal framework in line with international labour standards. She welcomed the Forum's endorsement of the DWCP and supported its launch even as work on forced labour continued.
- 223.** She noted that subparagraph (e) of the draft decision no longer required Myanmar to report on specific cases of forced labour and that no mention was made of any further discussions. As forced labour was still continuing, she requested clarification on whether discussion of the situation in Myanmar would be placed on the agenda of the 335th Session of the Governing Body (March 2019), pursuant to the 2013 Conference resolution. If so, she supported the draft decision and also the amendment proposed by the Workers.
- 224.** *A Government representative of China* noted the progress made by Myanmar in eliminating forced labour since the previous session of the Governing Body, including the extension of the Action Plan to ensure the transition to the DWCP. His Government urged the Office to continue to provide technical assistance to Myanmar to end forced labour, and called on members of the international community to support the Government in that effort. He supported the draft decision.
- 225.** *A Government representative of Cuba* recognized the progress made by Myanmar since the previous Governing Body session, and encouraged the Government to continue its efforts to strengthen tripartite dialogue and cooperate with the ILO. Her Government supported measures and programmes that promoted technical assistance and provided governments with opportunities to solve issues and act within a positive environment.

226. *The Worker spokesperson* asked the Employer spokesperson whether he meant that capacity building should take place before the application of standards in national law. She stated that freedom of association was a universal, fundamental right, and no system should decide whether a country had the appropriate capacities to allow exercise of that right.
227. *The Employer spokesperson* replied that that was indeed his group's position.
228. *A representative of the Director-General (DDG/MR)* clarified that subparagraph (e) of the draft decision referred to the lifting of the additional reporting requirement imposed by the November 2017 decision of the Governing Body. The 2013 Conference resolution requesting the Director-General to submit a report to the March Governing Body sessions continued in force until either the elimination of forced labour or an alternative resolution from the Conference.
229. He echoed the positive sentiment expressed by a number of delegates on the continued cooperation and capacity development of the social partners and the Myanmar Government. With regard to the transition to the DWCP, there was a specific provision for the institutionalization of the national mechanisms for the handling of forced labour complaints. The intention was for those mechanisms to be developed further through the DWCP. Moreover, development of the DWCP had been very much bottom-up based on priorities jointly agreed upon between the social partners and the Government.
230. In response to comments on the slow progress of labour law reform, the process was difficult but there was a strong level of tripartite commitment. Through the Liaison Office, the ILO was engaging with members of Parliament, particularly those on the relevant parliamentary committee. There was still a long way to go to achieve compliance with international labour standards; the ILO was providing technical support to the project, together with funding from a number of member States, and was actively campaigning for renewed funds.
231. *A representative of the Director-General (ILO Liaison Officer for Myanmar)* expressed his appreciation for the cooperation of the Government and the workers' and employers' organizations in Myanmar. The DWCP provided a strong basis for progress. The technical work of labour law reform needed to be reinforced with capacity building, which was recognized in the DWCP and the Labour Market Governance Programme. One positive step taken by the National Tripartite Dialogue Forum was to develop a roadmap for the DWCP. A curriculum and training system for Government, workers and employers on freedom of association, collective bargaining and industrial relations would be developed and operationalized in the next year with the support of the International Training Centre in Turin. As to the Workers' concern about the compatibility of the labour law amendments with international labour standards, he emphasized that the Government and Parliament had indicated their intention to comply with international labour standards, and had invited the continued technical assistance of the ILO. Parliamentarians had before them a comprehensive set of recommendations arising from the tripartite process which addressed many of the concerns raised, as well as comprehensive comments from the ILO on compatibility with international labour standards. The ILO would continue to provide technical assistance on the proposed legislative amendments.

Decision

232. *Having considered the report submitted by the Director-General, the Governing Body:*
- (a) *noted the significant progress made on some of the issues referred to in the decision taken at its 331st Session (October–November 2017);*

- (b) urged the Government to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards;*
- (c) welcomed the tripartite negotiation and endorsement of a Decent Work Country Programme in which the elimination of forced labour is included as a core component, and encouraged member States to support its implementation;*
- (d) welcomed the extension of the Supplementary Understanding and agreement to the Memorandum of Understanding and associated Action Plan on the Elimination of Forced Labour until 31 December 2018; and*
- (e) decided that the reporting to each Governing Body session on cases of forced labour, as referred to in its November 2017 decision, would no longer be required.*

(GB.332/INS/8, paragraph 18, as amended by the Governing Body.)

Ninth 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.332/INS/9\(Rev.\)](#))

233. *The Special Representative of the Director-General in Guatemala* said that, following the appointment of a chairperson, the National Tripartite Committee on Labour Relations and Freedom of Association was shortly expected to finalize the composition of its subcommittees, notably those relating to labour law reform, dispute settlement and the follow-up of the roadmap. It was vital that all members of the National Tripartite Committee should participate, with the support of a technical secretariat provided by the Ministry of Labour and Social Welfare, and the Governing Body should be kept informed of progress made and given the opportunity to consider the Committee's report in June 2018. An agreement had been reached on a proposal to amend the provisions of Decree 71–86 concerning the trade union rights of public sector workers with temporary contracts and special public sector schemes, and on the list of essential services in which strike action could not be carried out. Further discussions were needed on the establishment and functioning of industrial trade unions, and on the rules for voting on strikes. In Guatemala, it was clear that social dialogue was seen as the way to reach consensus on legislation and practice, as well as settle disputes between employers and workers and resolve the remaining issues in the roadmap. The preparation of the draft code of labour procedure represented an opportunity to remove legal obstacles to the actual implementation of court rulings, including reinstatement orders, and create a legitimate and effective instrument. Although much work remained to be done, he was certain that the understanding between the sectors

could be consolidated through social dialogue, tripartism and good faith. Regardless of the decision taken, the Office would continue to provide support and technical assistance.

- 234.** *The Worker spokesperson* welcomed the establishment of the National Tripartite Committee, which demonstrated the sincere commitment of all social partners, and noted the constructive role played by the Special Representative of the Director-General in Guatemala. She urged the Government of Guatemala to grant legislative status to the National Tripartite Committee through the adoption of an act, and thereby guarantee its permanence. It was important to provide adequate resources to the Committee, which should urgently prioritize full implementation of the roadmap, with the Office's assistance.
- 235.** While acknowledging that some progress had been made in tripartite discussions on the reform of labour law, she expressed regret regarding the failure to table before Congress a bill ensuring the conformity of national legislation with Conventions Nos 87 and 98, despite the ILO's helpful facilitation and the serious efforts to reach agreement through compromise. In particular, no agreement had been reached on the legislation relating to the minimum number of workers needed to establish a sectoral union. Worker representatives had accepted the government proposal in Draft Law 5199 to set the minimum number at 90 workers, but the Employers had rejected it, along with the Workers' subsequent concessions and offers to discuss the modalities of bargaining. The Employers had also rejected a proposal based on legislation passed in Costa Rica regarding the minimum number of workers required to call a strike, and had insisted on removing provisions for the closure of enterprises during strikes. In addition, Congress had not made any commitment to pass amendments as agreed, without modification, which was of serious concern given the changes it had made to weaken labour inspection law. She expressed further concern regarding the issues outstanding in the roadmap. Despite government promises, measures to protect trade union officials were woefully insufficient and many reinstatement orders were not implemented. However, she recognized the commitment and progress made, and called for all partners to find a way forward; disrupting the negotiations would jeopardize the advances already made. The Workers' group supported the draft decision.
- 236.** *The Employer spokesperson*, drawing attention to the strong commitment demonstrated by the Employers, Workers and the Government of Guatemala in efforts to resolve outstanding issues, welcomed the progress made by the National Tripartite Committee. The agreement reached regarding the modification of labour law to improve the framework of industrial relations was another positive achievement, although disagreements persisted; he clarified that the Workers had also rejected certain proposals from the Employers, including one regarding the right of workers to continue working during a strike. Despite those setbacks, however, further progress was possible. He commended the efforts undertaken by the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) and noted the substantial progress reported by the Government regarding the roadmap, as well as the Government's efforts to strengthen the bodies responsible for ruling on acts of violence against trade unionists, and investigate and prosecute such cases. He called upon all stakeholders, and local employers and trade unions in particular, to recognize the progress made and continue negotiations in good faith, making concessions where necessary; that commitment would make it possible to close the case and follow further developments in Guatemala through other channels. The Employers' group supported the draft decision.
- 237.** *A Government representative of Guatemala* drew attention to the presence of a high-level delegation representing the three branches of government, which demonstrated Guatemala's commitment to the realization of standards and fundamental principles at work, and the completion of the roadmap. Indeed, the coordination of efforts between institutions was the only way of achieving concrete results. Two of the fundamental commitments made in the national tripartite agreement of November 2017 had been fulfilled, which should allow the

complaint against Guatemala to be closed during the present session. Firstly, the National Tripartite Committee had been created and a chairperson – from the workers’ sector – appointed. Secondly, agreed legislative proposals had been presented to Congress in March 2018 regarding: the reform of the Criminal Code, specifying that participation in legal strikes would not entail criminal consequences; and the amendment of Decree 71–86 in relation to the definition of essential services and the requirement to undergo arbitration, and the trade union rights of public sector workers with temporary contracts and special public sector schemes. She welcomed the participation of the ILO mission that had visited the country in the intense negotiations which had resulted in consensus on those legal reforms.

- 238.** With a view to making progress with respect to the other key indicators of the roadmap, the unit for the analysis of attacks against human rights defenders had been established through a ministerial agreement in January 2018; a total of 61 trade unions had been registered in 2017 and 15 in the first quarter of 2018; 21 collective agreements had been approved between January 2017 and March 2018; and the campaign on freedom of association and collective bargaining had been intensified in various ways, including through social media.
- 239.** *A Government representative of Guatemala* said that legislation to implement the roadmap had been drawn up by the Congressional Labour Committee based on tripartite social dialogue and the ILO’s recommendations. For example, legislation restoring the powers of the labour inspectorate to impose penalties had been adopted. Despite the slow discussions between the social partners, the tripartite agreement had been signed in November 2017, which committed the parties to work together in making legislative amendments to prevent the appointment of a commission of inquiry.
- 240.** *A Government representative of Guatemala* said that the judiciary had made progress in implementing key indicators of the roadmap. Those advances included the adoption of two agreements of the Supreme Court of Justice, introducing rules of procedure for the labour and social welfare courts, and regulations on the enforcement of labour court orders. In addition, the draft Code of Labour and Social Welfare Procedure had been finalized, in consultation with the stakeholders, and would be presented to the social partners prior to its adoption by National Congress.
- 241.** Improvements had also been made to streamline criminal proceedings relating to labour offences. Labour courts had been set up with several judges to hear cases that had been launched under the former procedures. Additional judges had been allocated to five other courts with a view to accelerating proceedings relating to labour offences. Other courts, including high-risk chambers, had been empowered to hear anti-union cases; provision had been made for many additional paralegal posts; and under a decision of the Supreme Court of Justice, courts could send certified reports in electronic format with a view to monitoring compliance with reinstatement orders. Continuing training was provided to judicial officials on various themes, including the ILO Conventions. Many cases had been digitalized to streamline labour proceedings and parties could track their cases online.
- 242.** *A Government representative of Guatemala* said that the Public Prosecutor’s Office, with a view to implementing the roadmap, was conducting investigations and prosecutions for crimes against trade union members, thereby helping to abolish impunity and ensure observance of Convention No. 87. Significant progress had been made in 86 cases involving the murder of trade unionists, and convictions upheld against the perpetrators in 21 of those cases. The increased effectiveness of investigations had enabled the Public Prosecutor’s Office to bring the perpetrators of two anti-union crimes to justice in record time: the first public oral hearing was planned regarding the murder of Brenda Marleni Estrada Tambito and prosecutions had been brought against four offenders in the case of the murder of Tomás Francisco Ochoa Salazar. The efforts of the Public Prosecutor’s Office had resulted in a considerable reduction in the rate of murders of trade unionists, and no such crimes had so

far been committed in 2018. The Public Prosecutor's Office was committed to continuing its work in that area and to strengthening the rule of law.

243. *A Government representative of Guatemala* said that the Constitutional Court had adopted a strategy to promote access to justice, particularly for vulnerable groups by, inter alia, monitoring the application of international standards and promoting training in the relevant institutions. To that end, the Court had issued judgments to strengthen labour rights for women trade unionists, persons forming trade unions and persons engaged in collective bargaining, among others.
244. *The Government representative of Guatemala* said that the Government's efforts were evident in the changes that had been made in the country. Her Government trusted that the Governing Body would recognize the real value of the progress made, which demonstrated its political will and the trust that it had built up with the constituents to work towards closing the complaint. Her Government did not support the draft decision as it considered that the conditions had been met to close the complaint. The lack of consensus concerning certain reforms, such as the establishment of industrial trade unions and the rules for voting on strikes, did not signify a setback but was rather due to the fact that the issue warranted further dialogue between the workers and employers, a position which the Government respected, as it prioritized social dialogue as the sole mechanism supported by the ILO to achieve the objectives in the roadmap. The intensification of social dialogue should not prevent closure of the complaint as it responded to the ILO's principles of dialogue and unbiased decision-making. The Government was committed to generating decent work for Guatemalans with the support of all stakeholders, who it called on to jointly develop a technical and financial cooperation programme to achieve that objective. Summing up, she urged the constituents to work together, in transparency and good faith, to generate decent work and ensure compliance with national and international labour standards for the Guatemalan people.
245. *The Worker spokesperson*, noting that assessments of the situation should be based on action rather than on words, said that the reports of progress conflicted with the observations of trade unions that murders of trade unionists were still taking place and that there was a failure to investigate some of those cases. The parties should focus on stepping up and consolidating progress and on reaching tripartite agreement in order to improve the situation of families and workers and bring justice. The Government still had to gain the trust of the trade unions by making real change on the ground. All stakeholders were fully committed to supporting the country with a view to closing the complaint and she therefore trusted that the Governing Body would be able to conclude its examination of the article 26 complaint in June 2018.
246. *Speaking on behalf of a significant majority of governments from Latin America and the Caribbean*, a Government representative of Paraguay welcomed the progress made under the national tripartite agreement to step up efforts to implement the roadmap. Such progress included, in particular, the establishment of the National Tripartite Committee. The meetings of the Committee had notably resulted in the presentation of legislative amendments to the National Congress on 9 March 2018. The Committee should continue to provide the opportunity for constructive, participatory dialogue to make progress in fulfilling the roadmap and identify lasting solutions for the implementation of ILO Conventions. The Government's goodwill, since the submission of the complaint, had been demonstrated through the substantial progress made, such as the creation of specific mechanisms for the application of Convention No. 87 and forums for tripartite dialogue. The involvement of all stakeholders in the two ILO country missions was laudable, and the Office should continue providing technical assistance to the country. The activities carried out under the key indicators of the roadmap should be assessed objectively with a view to closing the article 26 complaint. His group trusted that the Government would continue implementing the roadmap with the technical and financial support of the relevant stakeholders.

247. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Albania, Bosnia and Herzegovina, and Norway aligned themselves with the statement. She welcomed the continued progress made in Guatemala on social dialogue and the involvement of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE). The recent creation of the National Tripartite Committee was an unprecedented positive development in Guatemala and an important milestone towards implementation of the roadmap. She encouraged the Government and the social partners to reach an agreement on the outstanding issues such as the right to strike in the private sector and the establishment of industrial trade unions. Efforts to fully implement the roadmap should continue, in particular with regard to the protection of union officials, the investigation of trade unionists' murders and the prosecution of the perpetrators. She called on the Government to step up efforts in those areas and provide an exhaustive report of its actions. She commended the work undertaken by the Special Representative of the Director-General in Guatemala. The Government had a real opportunity to fulfil its commitments before the next session of the Governing Body, and she looked forward to the finalization of draft labour legislation and a progress report on the roadmap. The EU would continue to support Guatemala in its efforts to comply with ILO Conventions. She supported the draft decision.
248. *A Government representative of the United States* commended the work of the social partners, the ILO and the Special Representative of the Director-General in Guatemala in facilitating social dialogue and the concrete progress that had been made, in particular the establishment of the National Tripartite Committee. She highlighted important accomplishments, but noted that significant challenges remained. Agreements by the social partners must translate into a legislative proposal that fully addressed the ILO's recommendations on freedom of association. She urged the Government and the social partners to build on the work they had begun, and called on the National Congress to enact the consensus legislation expeditiously. The Government should institutionalize the National Tripartite Committee through legislation, and the tripartite partners should take the additional steps needed to enact and implement legislative changes, which would weigh heavily in favour of closing the complaint. She supported the draft decision.
249. *A Government representative of Canada* welcomed the national tripartite agreement and the meaningful engagement of the National Tripartite Committee, as well as the active support from the Office, the ITUC and the IOE since the Governing Body's November 2017 session. Challenges remained, however, including in respect of combating violence against trade unionists and implementing labour legislation reforms, and she called for ongoing cooperation and further progress in both law and practice.

Decision

250. *In view of the information communicated by the Government of Guatemala and the information provided by the Office, taking due note both of the significant progress achieved in the implementation of the national tripartite agreement of November 2017 and of the efforts under way in this respect, on the recommendation of its Officers, the Governing Body:*
- (a) *urged the Government, together with the Guatemalan social partners, with the support of the International Organisation of Employers and the International Trade Union Confederation, and with the technical assistance of the Office and of its representative in Guatemala, to continue to devote all the efforts and resources necessary to achieve the complete implementation of the national agreement aimed at settling the unresolved matters in the complaint and the roadmap;*

- (b) *encouraged the international community to contribute to the implementation of the national agreement and to the corresponding technical assistance of the Office by providing the necessary additional resources; and*
- (c) *deferred the decision on the appointment of a commission of inquiry until its 333rd Session (June 2018).*

(GB.332/INS/9(Rev.), paragraph 30.)

Tenth item on the agenda

Complaint concerning non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made under article 26 of the ILO Constitution by several delegates to the 104th Session (2015) of the International Labour Conference ([GB.332/INS/10\(Rev.\)](#))

251. *A Government representative of the Bolivarian Republic of Venezuela* asked whether the Chairperson could give the floor first to the social partners.
252. *The Worker spokesperson and the Employer spokesperson* said that it was important to hear from the Government of the Bolivarian Republic of Venezuela before the social partners made their statements. She obtained confirmation from the Chairperson that this was the standard procedure.
253. *A Government representative of the Bolivarian Republic of Venezuela* recalled that this had not been the procedure followed during the discussion of a similar case earlier that week, which is why he had made this request. Noting that his Government's arguments would be presented in a way that was respectful but clear, he said that it was regrettable that the complaint had been influenced by the political interests of some members of the Governing Body, which compromised the transparency of the proceedings and the actions of the ILO by linking it to particular interests far removed from the world of work. He noted that it was the Officers of the Governing Body that had cancelled the planned ILO high-level mission, despite the Government's assurances that all the necessary conditions for the mission were in place. That mission could still go ahead if the Officers were willing to fulfil the mandate of the Governing Body. Noting that the document contained some gaps that created doubts and confusion, he said that he recognized the importance of safeguarding the autonomy of the mission, but that autonomy should not be confused with arbitrariness. The Officers' autonomy in determining the agenda for the mission should have been linked to the Governing Body's decision, and the meetings requested should have been with parties relevant to the case and not with political leaders that did not support the Government. The Officers had not refuted the reasoning of the Government, but unfortunately had still cancelled the mission.

- 254.** He wondered whether an answer could now be provided as to the relevance to the complaint of the planned meetings with the Episcopal Conference of Venezuela, the Venezuelan Association of University Presidents, the Centre for Dissemination of Economic Knowledge about Freedom, and the Press and Society Institute of Venezuela. The Episcopal Conference of Venezuela was a religious organization that was radically opposed to the Government and had no bearing on the complaint. If the mission did not meet with that organization, it would have more time to meet with relevant employers' and workers' organizations. The other three organizations had significant party political interests in opposition to the Government; they would not seek to provide solutions and would not contribute to fruitful social dialogue during the mission. With regard to the trade unions, the Government had complied with the Basic Act on Labour and Men and Women Workers, and thus had encouraged the Officers to meet with duly registered workers' organizations. The same decision had been made during the 2014 tripartite high-level mission, but members of that mission had still met with non-registered organizations outside the official agenda. As the Government had not made any express objection, the planned 2018 mission could have followed the same course of action.
- 255.** He hoped that any decision taken in relation to the complaint would not be based on political interests, which would damage the sovereignty of his country. The Government's goodwill should not be tarnished by the actions of the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) or of those who had presented the complaint. The Government had repeatedly sought to establish contact with FEDECAMARAS, despite its anti-democratic tendencies. FEDECAMARAS, which had the support of the Employers' group, had consistently spoken out against the Government, and had even participated in the coup in 2002, violating democracy and the Constitution. He recalled that FEDECAMARAS had been invited in 2017 to participate in a tripartite meeting in Geneva and a tripartite round table in Venezuela, but it had chosen not to attend. Furthermore, FEDECAMARAS had not participated in discussions on the Law on Workers' Production Boards; it was therefore not surprising that some of the information provided in paragraph 9 of document GB.332/INS/10(Rev.) was incorrect. Regrettably, members of FEDECAMARAS were also conspiring to sabotage local, regional and presidential elections scheduled to be held on 20 May 2018. Despite those events, the Government continued to insist that social dialogue was a viable solution to the complaint.
- 256.** The Government considered that the complaint had violated the universal legal principle that no party to a dispute should also serve as judge in the same case, as many members of the Employers' group currently participating in the Governing Body had also signed the complaint. It should be recalled that the principle in question had been raised by the Government in a similar case in 2005, and that the ILO Legal Adviser had at the time confirmed that the principle had to be respected. Therefore, those members of the Governing Body should be prevented from participating in the current discussion. The Government had made an official request to the Director-General that the Government Vice-Chairperson of the Governing Body should refrain from participating, particularly in the light of his Government's clear opposition to the Government of the Republic of Venezuela. The Officers had not agreed to that request; however, it was not for the Officers to decide on whether an individual should refrain from participating in the discussion, since ethics, objectivity, transparency and legal certainty should come first. Whether or not to refrain from participation was a strictly personal action that should be considered and decided upon by the individual concerned.
- 257.** He asked the Legal Adviser to clarify whether the Officers of the Governing Body had the right to cancel a high-level mission organized pursuant to a Governing Body decision. The Government considered that the Officers had exceeded their mandate in that respect, particularly given the Government's assurances that all conditions for a successful mission

would be met and that there was no compelling reason for its cancellation. Thus, the Government considered that its rights were being undermined.

- 258.** In conclusion, he reiterated the Government's desire for dialogue. He categorically stated that the Government did not agree with the establishment of a commission of inquiry, which would undermine the dialogue the Government had initiated with FEDECAMARAS, with the support of President Maduro. He reaffirmed the Government's invitation to the high-level mission and called on the Governing Body to support that course of action, which was the appropriate approach for establishing the requested tripartite round table, strengthening social dialogue in the Bolivarian Republic of Venezuela, and addressing the issues raised in the complaint. He therefore did not support the draft decision, instead proposing that the Governing Body should decide to carry out the high-level mission.
- 259.** *The Employer spokesperson*, recalling the decision adopted at the 331st Session of the Governing Body, noted that the Government had been contacted with regard to the planned high-level mission. He noted that, according to the Government, it had not been possible to institutionalize the tripartite round table called for in the Governing Body's decision, which showed a clear disregard for that decision. The proposed agenda for the mission submitted by the Officers had included meetings with public authorities, FEDECAMARAS, other employers' and workers' organizations and leaders from other social sectors. However, the Government had raised two sets of objections and had submitted a modified plan of work, removing three of the nine workers' organizations with which the mission had planned to meet – and with which the previous 2014 high-level mission to the country had met on the basis that they were with organizations that were critical of the Government. The modified plan also did not foresee any meetings with leaders from other social sectors. In response, and while preparing to leave for the mission, the Officers had assured the Government that the agenda was within the mandate of the mission and had called on the Government to confirm that undertaking the planned meetings would not give rise to any difficulties in carrying out the mission. In the absence of confirmation, the Officers had unanimously concluded that the mission could not be carried out and it had therefore been cancelled.
- 260.** He expressed concern regarding the most recent violations reported by FEDECAMARAS, notably the absence of consultation regarding legislative measures with an impact on economic, social and labour policy, which should have been the subject of tripartite discussions. There had also been an increase in violence and intimidation against FEDECAMARAS leaders, including a particularly vitriolic social media campaign. Those actions demonstrated, once again, the Government's lack of willingness to comply with the ratified ILO Conventions, the recommendations of the supervisory bodies, or the decisions of the Governing Body. It should also be noted that the UN High Commissioner for Human Rights had recently encouraged the Human Rights Council to consider mandating a commission of inquiry to investigate human rights violations in the country.
- 261.** The group still held the same views it had expressed at the previous session. The Government had been given a last chance to show its willingness to cooperate, but had responded with manipulation and false promises, and had missed the opportunity. The Maduro Administration had gradually eroded human rights guarantees and checks on its power, while the country's Supreme Court routinely failed to demonstrate independence, endorsing government abuses and stripping the National Assembly of its powers. Furthermore, 317 political prisoners remained incarcerated. The regime had institutionalized repression through the Constituent National Assembly, which had been imposed by decree against the will of the people. In short, the country was facing one of the worst forms of human rights abuses as well as a humanitarian crisis.
- 262.** There had been a significant deterioration in the rule of law and civil liberties, and it was highly regrettable that the high-level mission had not gone ahead as planned. The immediate

establishment of a commission of inquiry would assist in ensuring compliance with the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Conventions Nos 87 and 144, and in efforts to generate more and better decent and productive jobs, to pave the way for long-lasting peace and to ensure the rule of law and democracy that were essential for the economic and social well-being of the country and the exercise of civil and political liberties. He therefore called upon the members of the Governing Body to appoint a commission of inquiry under article 26 of the ILO Constitution and make the financial arrangements to enable the Commission to start its work without delay.

263. *The Worker spokesperson* expressed her regret that the high-level mission had not taken place. Recalling the extensive discussions that had taken place at the previous session to reach an agreement between all the parties with a view to making progress in this case, she reiterated her group's support for tripartism and social dialogue. From the outset, it had been agreed that all members of the high-level mission had to be able to work with independence and have the freedom to meet all relevant actors, notably employers and workers, and that the Government of the Republic of Venezuela should not decide with which unions or employers the mission could meet. In addition, the mission had wished to meet representatives from civil society in order to gather background information. It had also been agreed that the mission should not be politicized, and she reminded the members of the Governing Body, particularly the Employers' group, that they should observe the same rule. The Workers' group had been especially concerned about being prevented from meeting with unregistered trade unions. Even if informal meetings with such unions had been held, the input they provided could not have been included in the official report. Given that the previous mission in 2014 had been able to meet with those unions as part of the official programme, that outcome was particularly disappointing. Furthermore, in 2014 the Government had promised to register one of the trade unions concerned, the Independent Trade Union Alliance (ASI), but had failed to do so. Every effort had been made to find an acceptable solution to allow the high-level mission to go ahead. Her group was deeply disappointed that the Government of the Republic of Venezuela had decided not to cooperate.

264. She said that, while her group was guided by the principles of the ILO, the Employers' group had not treated complaints filed by workers with the same principled attitude. One example was the article 26 complaint against Guatemala, which had been pending for over six years and concerned serious violations of freedom of association, including murders. Meanwhile, in the cases of Qatar and Fiji, the Workers' group had been unable to win support for a commission of inquiry, and had been forced to use other mechanisms to apply pressure. Having said that, the majority of the Workers' group supported the draft decision in the present case, given the evidence presented and the clear lack of engagement by the Government of the Republic of Venezuela. The Workers were not, however, supporting the Employers per se, but rather the principles and supervisory system of the ILO. The commission of inquiry was an investigation, not a sanction. While the Workers' group deplored the attacks on and intimidation of FEDECAMARAS members, government measures in relation to the pricing of consumer goods and so-called "economic warfare" did not fall within the scope of the commission of inquiry. Her group therefore supported the establishment of a commission of inquiry on the strict condition that it would only examine matters relating to Conventions Nos 26, 87 and 144, and she asked the Office to confirm that it would indeed be the mandate of such a commission. The draft decision would show the Government of the Republic of Venezuela, and all governments, that the ILO was prepared to cooperate in a tripartite manner within its own framework to advance the protection and enforcement of fundamental principles and rights at work, but that it would also take action if such cooperation was not reciprocated.

265. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Albania, Bosnia and Herzegovina, Norway and Georgia

aligned themselves with her statement. Highlighting previous efforts to reach a compromise solution, she expressed deep regret that the Government of the Republic of Venezuela had not taken up the opportunity of the high-level mission, and had sought to impose further conditions regarding the agenda. It was particularly disappointing that three trade unions had been denied the right to meet with the mission. She expressed concern that, despite the Governing Body's repeated calls for social dialogue, employers continued to face acts of intimidation and retaliation, and that FEDECAMARAS was still excluded from dialogue. The difficult political and economic situation was no excuse for failing to set up a minimum basis for social dialogue or implement Governing Body decisions; every effort had been made to provide an opportunity to show willingness to cooperate, but the Government had not implemented any of the recommendations made by the Governing Body. She supported the draft decision.

- 266.** *A Government representative of Mexico*, speaking also on behalf of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Honduras, Panama, Paraguay and Peru, said that it was regrettable that the high-level mission had not been carried out. Delaying the appointment of a commission of inquiry would prolong a process which had thus far made no progress, despite the continuous efforts of the Governing Body. She therefore supported the appointment of a commission of inquiry and the financial implications, with a view to resolving the situation and safeguarding the rights enshrined in the ILO Conventions.
- 267.** *A Government representative of the United States* said that, despite the Government's agreement in November 2017 to take meaningful action to address the outstanding allegations in the complaint, it had intensified its refusal to cooperate by prohibiting the high-level mission from meeting with three trade unions and leaders from other social sectors, and had failed to institutionalize a tripartite round table. No progress had been made on addressing issues raised in the original complaint, including acts of harassment against FEDECAMARAS. The Government had had sufficient time to implement the recommendations of the ILO supervisory bodies, but had demonstrated no intention of doing so. Every effort had been made to encourage the Government to comply with its obligations, but to no avail. The only option was to appoint a commission of inquiry. He therefore supported the draft decisions.
- 268.** *A Government representative of Myanmar* said that the cancellation of the mission owing to disagreements in relation to the agenda was a matter of concern. However, he welcomed the Government of the Republic of Venezuela's open invitation to the high-level mission and its conviction that the visit would strengthen industrial relations and lay the foundations for the tripartite round table. Building mutual confidence was key to finding solutions, and any approaches that would polarize the parties should be avoided. He encouraged the Government and the Office to continue to engage in finding a mutually acceptable solution.
- 269.** *A Government representative of Uruguay* said that it was regrettable that the high-level mission had not taken place. Given the history of the case, a high-level mission remained the most suitable approach to ensure progress, as it would generate less tension and allow for an in situ examination of the substance of the complaint with the social partners. The measures adopted by the Governing Body should aim at remedying the situation rather than imposing sanctions. A deadline should be set for the Officers and the Government to establish an agenda and date for a mission before the next session of the Governing Body. She called for transparent dialogue and cooperation among the parties and invited the Government to provide all necessary facilities so that the high-level mission could take place, in full observance of its mandate and autonomy, as well as of ILO fundamental Conventions and principles.
- 270.** *A Government representative of the Russian Federation* said that all channels for the fulfilment of a compromise solution had not yet been exhausted, and that the procedures

under article 26(2) of the ILO Constitution should be continued. More time was needed to reach agreement through tripartite consensus. There were insufficient grounds for the appointment of a commission of inquiry, which would be a costly measure. He asked whether the necessary funds were available for the commission of inquiry within the Programme and Budget for 2018–19.

- 271.** *A Government representative of the Islamic Republic of Iran* said that the Government had shown willingness to resolve the issues raised in the complaint and to reach an agreement with the employers as well as to accept the high-level mission. He called on the Government and the Office to continue to discuss the agenda of the mission with a view to enabling the mission to be undertaken in the near future. He did not consider it appropriate to appoint a commission of inquiry. He encouraged the Government to continue its efforts to address the issues fully and called on the Office to provide assistance. He agreed that the Governing Body should refrain from politicizing the matter.
- 272.** *A Government representative of Brazil* said that there was no viable alternative to the appointment of a commission of inquiry. That instrument would serve to generate genuine social dialogue to improve the lives of the workers and employers, in conformity with the country's international obligations. It was her understanding that, in the past, the appointment of a commission of inquiry had not been contingent on financial implications, that the necessary resources were available, and that if other funding methods were required after the biennium, member States' regular contributions to the ILO budget would not be increased as a result. On that basis, she supported both draft decisions.
- 273.** *A Government representative of Cuba* said that the Government of the Republic of Venezuela had been prepared for the visit of the high-level mission to enable a tripartite exchange on issues relating to the complaint, but that the Officers had added meetings to the agenda that were not foreseen in the Governing Body's decision, and that the mission had been cancelled unilaterally at the last minute. The high-level mission should be carried out without further delay, to ensure legal certainty and compliance with the Governing Body's decision that was based on tripartite consensus. Specific standards should be formulated for high-level missions to achieve greater transparency, objectivity and legal certainty. He called for procedural balance where all parties had equal opportunities and unilateral decisions were not imposed. He rejected the appointment of a commission of inquiry and the attempt to undermine the credibility of the ILO and its supervisory bodies by altering working methods and forgoing transparency for political ends. He did not support the draft decision.
- 274.** *A Government representative of India* said that she welcomed the Government of the Republic of Venezuela's openness to the high-level mission and its conviction that it would strengthen industrial relations and lay the foundations for the tripartite round table to resolve issues related to the complaint. The social partners in the country should heed the Government's calls for social dialogue and participate actively. The establishment of a commission of inquiry was unwarranted and would be counterproductive. The ILO and its member States should support the Government of the Republic of Venezuela in fulfilling its labour-related obligations and provide assistance.
- 275.** *A Government representative of Namibia* noted with concern the politicization of the case and the fact that the high-level mission had not taken place. The Government of the Republic of Venezuela had expressed its willingness to cooperate with the Organization by issuing a formal invitation to the ILO to send a high-level mission and scheduling meetings with FEDECAMARAS and other organizations. Social dialogue was the preferred means of solving the problems in the country, and the Officers should proceed with the high-level mission, based on discussion with the parties and a mutually agreed agenda.

276. *A Government representative of Ecuador* said that the situation should be resolved by national stakeholders through dialogue. He supported the Government's invitation to the ILO to organize a high-level mission at an appropriate date to meet with various tripartite actors and report back to the Governing Body on recommended future action. The appointment of a commission of inquiry could have a polarizing effect that could exacerbate political sensitivities and hamper dialogue. She called on the Government and all stakeholders to renew efforts to reach consensus on the issues that required joint action.
277. *A Government representative of China* said that, since the previous session of the Governing Body, the Government had participated actively in dialogue with FEDECAMARAS and other parties to establish a tripartite round table, had invited a high-level mission to visit and had demonstrated willingness to resolve the problems. Dialogue and development cooperation were the best approaches to address issues concerning the observance of Conventions. He called upon all parties to make further efforts to establish a tripartite round table, and hoped that the Office would provide technical assistance. He asked the Office for further information on the funding, and did not support the establishment of a commission of inquiry.
278. *A Government representative of Switzerland* supported the statement made by the EU. The continued lack of an institutional mechanism for social dialogue in the Bolivarian Republic of Venezuela was very concerning, and it was regrettable that the high-level mission had not been able to take place. He supported the establishment of a commission of inquiry and its financial implications.
279. *A representative of the Director-General* (Director, NORMES), in response to the Workers' question on the scope of the investigation, said that the commission of inquiry would be composed of three independent members who would carry out a full investigation of the complaint, verify the facts and make recommendations on measures to be taken to address non-compliance with ratified by the Government of the Republic of Venezuela Conventions Nos 26, 87 and 144. With regard to funding, there were no financial provisions for commissions of inquiry in the programme and budget. Costs would first be financed from savings under Part I of the budget for 2018–19 or, failing that, through the use of the provision for unforeseen expenditure in Part II.
280. *A Government representative of the Bolivarian Republic of Venezuela* said that his Government had never explicitly objected to meetings with trade union organizations, legal or not; indeed, the 2014 high-level mission had done so. He reiterated his Government's willingness to cooperate in any way to resolve the complaint, and thanked the governments that had voiced their support for the implementation of the November 2017 decision and their opposition to the establishment of a commission of inquiry. It was not the intention of his Government to question the integrity of the Officers of the Governing Body, but rather to question the authority of the Officers to override a decision that had been made by the Governing Body. He repeated his request to the Legal Adviser to clarify whether the Officers had the authority to revoke a decision taken by the highest administrative body of the ILO.
281. *A representative of the Director-General* (Legal Adviser) said that the procedure for examining article 26 complaints was not set out in any specific legal instrument, but was largely based on past practice. According to this well-established practice, the Officers of the Governing Body had been assigned a clear leading role, and therefore enjoyed special powers with respect to guiding the process and, in particular, exploring opportunities to make progress and ultimately achieve positive results. They also enjoyed discretion in discharging their responsibilities effectively and efficiently, which included the right to draw appropriate conclusions from the Government's refusal to cooperate fully, and thus the right to conclude that the conditions for an effective conduct of the high-level mission had not been met.

282. *The Employer spokesperson* expressed his appreciation to the Governing Body, particularly the Workers' group, in what had been a difficult discussion. The decision taken was not an easy one, but it was what was best for the Organization.
283. *The Worker spokesperson* said that she had met with the Government the previous week and it had not indicated its agreement to the meetings with the trade unions requested by the high-level mission, including the non-registered unions. In response to the governments that did not support the draft decision because they preferred social dialogue, she said that such an option had already been exhausted through extended negotiations during the previous Governing Body session. There was still hope that social dialogue would be possible, but in the face of the Government's non-cooperation, the ILO must not postpone taking action and should move forward. She expressed the hope that the commission of inquiry would result in the initiation of processes that would bring about progress, with the help of the international community. She therefore supported the draft decision.

Decision

284. *On the recommendation of its Officers, deeply concerned with the lack of any progress with respect to its previous decisions, in particular as to the establishment of a social dialogue table and action plan, which it had urged the Government, for the last time, to institutionalize before the end of 2017, and regretting the impossibility to carry out the high-level mission it had recommended at its preceding session, due to the objections raised by the Government to the mission's agenda, the Governing Body decided that a Commission of Inquiry should be established, subject to the approval of the related financial implications set out in GB.332/INS/10(Add.).*

(GB.332/INS/10(Rev.), paragraph 13.)

285. *A Government representative of the Bolivarian Republic of Venezuela* said that the decision had been adopted without tripartite consensus. According to paragraph 46 of the Introductory note to the *Compendium of 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. Moreover, his Government had argued in favour of implementing the decision of the Governing Body to conduct the high-level mission that was subsequently unilaterally cancelled by the Officers, and had repeated its invitation to the mission.
286. His Government opposed the decision and did not agree with the appointment of a commission of inquiry. Many other Government representatives had also voiced their opposition, but that had not been taken into account. There was a lack of objectivity and transparency in all aspects of the complaint, as well as a flagrant disregard of the universal legal principle that no one could be judge and party in the same case. Further, the appointment of a commission of inquiry, even if not a sanction, would undermine, rather than strengthen, the dialogue the Government had initiated with FEDECAMARAS in recent years.
287. The Government considered that aggression was being waged against the Bolivarian Republic of Venezuela, particularly by an imperialist government that considered his country to be an unusual and extraordinary threat. The ILO had not been spared from the aggression against his Government, in particular as expressed through the Employers' group and the actions of the Lima Group. It was regrettable that the response from the Legal Adviser was based on practice, rather than on the legality of the decision. Despite the

decision, his Government remained committed to constructive, sincere and transparent social dialogue, and did not accept the appointment of a commission of inquiry.

Financial implications of a commission of inquiry (GB.332/INS/10(Add.))

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

Decision

289. *Having decided to appoint a Commission of Inquiry concerning the Bolivarian Republic of Venezuela, the Governing Body further decided that:*

- (a) an honorarium at the rate of US\$350 per day would be paid to each member of the Commission of Inquiry; and*
- (b) the cost of the Commission, estimated at US\$756,701, would be financed in the first instance from savings that might arise under Part I of the budget for 2018–19 or, failing that, through the use of the provision for unforeseen expenditure, in Part II. Should that not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.332/INS/10(Add.), paragraph 4.)

290. *The Government Vice-Chairperson said that he categorically rejected the statements made by the Government representative of the Bolivarian Republic of Venezuela accusing him of a lack of objectivity and ethical responsibility in his duties as Government Vice-Chairperson and Officer of the Governing Body. In discharging his duties, he had always acted without any political motivation. The Officers had acted in strict adherence to the mandate of the Governing Body and ILO standards. Moreover, all conclusions and decisions had been unanimously agreed upon by the Officers. The decision of the Governing Body confirmed the credibility of the Organization, and had been adopted with the support of the Workers, the Employers and the majority of governments who had made statements.*

Eleventh item on the agenda

Reports of the Committee on Freedom of Association

291. *The consideration of this item and the related decision were deferred to a later session of the Governing Body.*

Twelfth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference ([GB.332/INS/12](#))

292. *Speaking on behalf of the Africa group*, a Government representative of Nigeria thanked those who had spoken in favour of amending article 1(3) of the revised *Rules for Regional Meetings*. He called on all constituents to ensure that Regional Meetings were conducted in a spirit of cordiality, cooperation, mutual trust and understanding. He noted that some questions he had asked previously remained unanswered. First, if Regional Meetings were held every four years, he asked why article 1(1) of the revised *Rules* referred to meetings convened “from time to time” rather than specifying the time frame. Second, he asked whether the Governing Body was responsible for maintaining the “list of Members of each region” referred to in article 1(1), and whether that list would be revised each time a Regional Meeting was being planned. Finally, referring to article 10(3), he sought clarification on the procedure to be used by the Chairperson of a Regional Meeting to grant or decline permission to speak in plenary, with particular regard to observers. He expressed support for the draft decision contained in paragraph 36 of the document on the consolidated version of the *Rules for Regional Meetings* and the Introductory Note.

293. *A representative of the Director-General (DDG/MR)* said that, while Regional Meetings were in principle held every four years, sometimes those meetings were delayed or brought forward. The revised Introductory Note, which would be discussed at the November 2018 session of the Governing Body, referred to the normal practice of holding meetings every four years. The Governing Body did establish the list of Members of each region and would review it whenever it deemed appropriate. Regarding the granting of speaking rights to observers, he said that the rules were the same as for any meeting: the Chairperson used his discretion, typically taking into account the time available for additional interventions. Additional guidance could be provided in the Introductory Note if the Governing Body deemed it necessary.

Decisions

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

294. *The Governing Body:*

- (a) *decided that the matter should become a standing item on the agenda of subsequent March and November Governing Body sessions until the amendment entered into force;*
- (b) *requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument of Amendment, including through direct contacts with and visits, particularly to member States of chief industrial importance;*

- (c) *requested the Office to organize promotional campaigns on the sidelines of Regional Meetings; and*
- (d) *requested the Director-General to report at future Governing Body sessions on results obtained and feedback from Members concerned on the reasons that prevented or delayed ratification.*

(GB.332/INS/12, paragraph 7.)

Functioning of the International Labour Conference: Arrangements for the 107th Session (2018)

295. Having examined the proposed arrangements contained in document GB.332/WP/GBC/2 and the tentative plan of work for the 107th Session (2018) of the Conference, the Governing Body proposed to the Conference to implement those arrangements, including the suspensions of provisions of the Standing Orders detailed in Appendix I of document GB.332/WP/GBC/2, at its 107th Session.

(GB.332/INS/12, paragraph 16.)

Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations

296. The Governing Body took note of the progress report on the inter-sessional consultations concerning the comprehensive review of the Standing Orders and provided guidance on the next stages.

(GB.332/INS/12, paragraph 19.)

Review of the role and functioning of the Regional Meetings: Consolidated version of the Rules for Regional Meetings and the Introductory Note

297. The Governing Body decided to:

- (a) *adopt the consolidated version of the Rules for Regional Meetings as amended during the discussions in the Working Party;*
- (b) *submit the consolidated version of the Rules for Regional Meetings contained in the appendix of document GB.332/INS/12 to the Conference for confirmation at its 107th Session (2018); and*
- (c) *request the Office to prepare for its 334th Session (October–November 2018) a revised version of the Introductory Note, taking into account the discussions in the Working Party.*

(GB.332/INS/12, paragraph 36.)

Thirteenth item on the agenda

Report of the Working Party on the Social Dimension of Globalization ([GB.332/INS/13](#))

298. *There was no discussion of this item.*

Fourteenth item on the agenda

Report of the Director-General ([GB.332/INS/14](#))

299. *The Worker spokesperson* welcomed the ratifications mentioned in the Report, especially the four new ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930. Other countries should be encouraged to ratify that important instrument. She also welcomed the new ratifications of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, which would be discussed again during the current session. Her group appreciated the new staff members appointed in Geneva and at other duty stations. She looked forward to the Governing Body resolving some outstanding issues in the spirit of dialogue and tripartism.
300. *Speaking on behalf of the Africa group*, a Government representative of Nigeria also welcomed the number of new ratifications, including that of the Protocol of 2014 to the Forced Labour Convention, 1930, by Namibia and the United Republic of Tanzania, and congratulated the Office on the two new ratifications of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986. However, despite the Office's laudable efforts to promote the ratification of that instrument to reflect the principles of social justice, equity, fair representation and equality of member States irrespective of race that it enshrined and ensure the inclusiveness of the ILO, a further 17 ratifications were required before it could enter into force, including three by countries of chief industrial importance.
301. He commended the Office on the number of valuable publications, documents and licences produced during the period under review, adding that publications should be disseminated more widely. Research works should involve ministries of labour, employers' and workers' organizations in member States and, also, subregional organizations, in order to harness ongoing work and labour market trends and ensure the complementarity and coherence of the ILO knowledge base. Lastly, he thanked the authors and contributors, and congratulated all those who had received appointments or promotions during the reporting period. The Director-General should continue to bear in mind the issue of under-represented States when filling future vacancies in all categories, in particular paying attention to States that conscientiously fulfilled their obligations to the Organization.

Decision

302. *The Governing Body took note of the report contained in document GB.332/INS/14.*

(GB.332/INS/14.)

Obituary: Mr Bingen de Arbeloa ([GB.332/INS/14\(Add.\)](#))

303. *An Employer member from Colombia*, speaking also on behalf of Latin American employers, said that his group was deeply saddened by the death of Mr Bingen de Arbeloa, an active former member of both the Governing Body and the Board of the International Training Centre of the ILO in Turin. Mr de Arbeloa had headed the Venezuelan Employers' delegation to the International Labour Conference for over 20 years, also serving on a number of occasions as spokesperson for the group of Latin American employers, a role in which he had made a noteworthy contribution to the discussion and adoption of the Occupational Safety and Health Convention, 1981 (No. 155). In addition to having been an active member of the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) for more than 35 years at both national and regional levels, he had participated actively in defence of human rights and believed firmly in democracy. His legacy as an example of steadfastness, determination and remaining true to one's values was a source of pride for the IOE and the Governing Body's Employers' group, which had benefited from his invaluable contributions.
304. *The Worker spokesperson* paid tribute to Mr de Arbeloa as a pillar of the Venezuelan business sector and a prominent Employer leader, lawyer, political analyst and academic. He had promoted democracy, social dialogue and tripartism, and defended human rights and freedom of association.
305. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea expressed deep condolences to the family of Mr de Arbeloa and echoed the sentiments expressed by the social partners.

Decision

306. *The Governing Body paid tribute to the memory of Mr B. de Arbeloa and invited the Director-General to convey its condolences to the family of Mr de Arbeloa and to FEDECAMARAS.*

(GB.332/INS/14(Add.), paragraph 5.)

First Supplementary Report: Report of the Meeting of Experts to Promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones (Geneva, 21–23 November 2017) ([GB.332/INS/14/1](#))

307. *The Worker spokesperson* said that her group welcomed the conclusions of the Meeting of Experts to Promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones (EPZs), although even stronger conclusions would have been preferred. Urgent action must be taken to address the serious decent work deficits in EPZs, including by giving effect to the decision taken by the Governing Body at its session in March 2017 on the follow-up to the resolution concerning decent work in global supply chains. That would entail preparing an action plan, which could be presented and

discussed as early as the November 2018 session of the Governing Body, to be integrated into the current programme of action on decent work in global supply chains.

- 308.** Additional efforts by the Office to develop and implement a resource mobilization strategy for the action plan would be welcome, together with action points targeting specific countries where decent work deficits in EPZs were common. However, action should not be limited to national actors only; the high-intensity working conditions in EPZs were in part driven by demand from outside national boundaries. It was therefore important that assessment of decent work deficits should involve all stakeholders. The ILO should conduct qualitative and quantitative research into violations of workers' rights in EPZs, including the application of national law and international labour standards, both in law and in practice, with special attention paid to violations of the right to freedom of association and collective bargaining. She invited the Office to refer back to the report of the Meeting of Experts for other useful ideas for action. Her group firmly supported the draft decision.
- 309.** *The Employer spokesperson* said that his group encouraged the Office to focus its future efforts on updating the ILO's knowledge base with comprehensively researched comparative and balanced information on a variety of EPZs across industrialized and developing countries and a range of sectors. The research should explore how EPZs were linked to countries' domestic economies, considering both the negative and positive impacts of EPZs on decent work and the fundamental principles and rights at work and their evolving nature, and taking into account the specific nature of individual EPZs to avoid generalized assertions. Many labour-related challenges were not limited to EPZs and, in fact, reflected the situation in the broader national economy, making some EPZs better places to work, in terms of conditions, benefits and training, than the rest of the country. It was therefore important to consider EPZs within their national context, as enclaves whose positive aspects must be preserved while forging stronger links between the enterprises based there and the overall economy.
- 310.** Regulatory and market reforms were needed to ensure that labour laws were sufficiently flexible. There was also a need to spur economic development outside of EPZs, boost domestic enterprises' production capacity – thus reducing demand for imported products – and support them in accessing EPZs themselves. There must be better labour law enforcement in EPZs through proper inspection coverage and administration, social dialogue inside and outside EPZs, and improved education and skills development. Employers also supported expanding the Enabling Environment for Sustainable Enterprises (EASE) Programme to include EPZs.
- 311.** However, his group disagreed with a number of the points made in the Director-General's Report, particularly the creation of a stand-alone action plan on EPZs. All work on EPZs should instead be incorporated into existing initiatives and action plans. The Office's tendency to create new, discrete programmes and mechanisms was of great concern because it duplicated efforts and created a silo mentality, making engagement with the Office very difficult. Employers also feared that the Office would interpret the two conclusions on social dialogue in a way that they did not support. For example, his group did not support a push for international framework agreements or agreements between transnational corporations, as such agreements were between international trade union federations and multinational enterprises, most of which did not operate in the EPZs. Support for social dialogue in EPZs must not focus on such agreements.
- 312.** His group was also wary of any attempt to turn EPZs into engines of sustainable development with a separate, parallel labour regulatory system that further divided them from their national contexts. During the Meeting of Experts, for example, the Worker spokesperson had evoked the concept of privileges incurring responsibilities, which did not apply to EPZs. Governments granted special privileges to EPZs to boost economic growth and create jobs

without opening up a country to potentially harmful international competition. Rather than imposing criteria or guidelines for all EPZs, there should be targeted action to identify and address issues in the specific EPZs where violations were occurring, with broader solutions focused on economic development as a whole. In conclusion, the information currently available on EPZs was too outdated to serve as a basis for future activities, and his group rejected the proposal to develop the content and modalities for an action plan on EPZs.

- 313.** *Speaking on behalf of the Africa group*, a Government representative of Senegal said that EPZs posed a risk of eroding working conditions and social dumping, particularly in developing countries, and the issue required special attention. Creating decent working conditions that respected the dignity of workers must be the basis for the promotion of sustainable enterprises, job creation, skills development and economic growth. In that regard, the conclusions of the Meeting of Experts were welcome not only for their pertinent recommendations but also for their ethical foundations.
- 314.** Urgent action was needed to address precarious working conditions, violations of the right to freedom of association and collective bargaining, persistent discrimination and the emergence of irregular work in EPZs. The Office should therefore provide development cooperation support to member States by including specific actions in DWCPs to promote decent work in enterprises in EPZs; strengthen the capacity of labour administrations to intervene effectively in EPZs; raise awareness among stakeholders to encourage their respect for rights in EPZs, particularly through the adoption of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration); and foster cooperation between other international, regional and subregional organizations to mobilize resources and coordinate action. His group supported the draft decision.
- 315.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the European Free Trade Association country Norway aligned itself with her statement. While EPZs could be a springboard for economic growth and foreign direct investment, they were not exempt from labour laws and worker protections. The EU and its Member States endorsed the recommendations of the Meeting of Experts and commended in particular those aimed at protecting the rights to freedom of association and collective bargaining and promoting social dialogue. Efforts to encourage companies to leverage their influence to protect workers' rights, proposals to integrate fundamental principles and rights into areas of action on EPZs, and the attention given to labour inspection were all welcome. The creation of an action plan on EPZs was a priority and should be supported by adequate resource mobilization. More information would therefore be welcome regarding the content, terms and timeline for implementation of the action plan. The EU and its Member States supported the draft decision.
- 316.** *A Government representative of Brazil* inquired as to how the forthcoming full report of the Meeting of Experts differed from the list of conclusions that had already been published, and whether the report would be submitted to the Governing Body. He also sought clarification on why the Governing Body was being asked to endorse, rather than simply take note of, the conclusions as per usual practice. Given the limited number of empirical studies available on EPZs, he wondered how the Office intended to engage with other international organizations to increase knowledge while staying within its mandate.
- 317.** *A representative of the Director-General (DDG/P)* confirmed that the ILO intended to carry out more research on EPZs. As many international organizations had not yet worked on the issue, it would be an opportunity for the Organization to embed its own view early on and work with other institutions. The comments made on fundamental principles and rights at work, compliance issues, national regime strengthening, and the international context in which EPZs operated would be taken into account. In response to the Employers' concerns regarding a stand-alone action plan, she said that the Office had been faithful to the

conclusions adopted by consensus at the EPZ meeting, whose agenda, as set by the Governing Body at its 329th Session, had been “to adopt conclusions which would provide guidance on the content and modalities for an action plan on EPZs”.

- 318.** *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the full report of the Meeting of Experts differed from the list of conclusions in that it was a full record of discussions at the meeting for all to read. The conclusions had been reached by consensus and, if endorsed by the Governing Body, would form the basis for action going forward. The ILO would certainly engage with other specialized organizations that had information about EPZs, and the social partners would be consulted and kept informed throughout the process. The allegation that the Office was impulsively creating discrete programmes and mechanisms was unfortunate. If the Employers’ group believed that the Office was acting covertly, it was important that the matter should be discussed so that the Office could understand the basis for the insinuations.
- 319.** *The Worker spokesperson* expressed appreciation to the Government representatives who had spoken in support of the conclusions and had recognized the importance of freedom of association and collective bargaining for workers in EPZs. While acting as the Worker spokesperson during the Meeting of Experts, she had indeed raised the issue of privileges incurring responsibilities, which her group considered a legitimate proposition. It was not unreasonable to expect enterprises that received special privileges to abide by international labour standards and to deliver decent work as a binding condition for receiving incentives within EPZs. It was puzzling that the Employers chose to focus on national context, as the Meeting of Experts had been part of a series of meetings on global supply chains, and many of the violations within EPZs could be traced to enterprises based outside the country in question. As for the Employers’ opposition to the conclusions on social dialogue, they should recognize social dialogue as an important activity in which they had a key role to play. Although more and better research was always welcome, it was inappropriate to assume that existing information about EPZs was insufficient to take action. Regarding the Employers’ objection to the term “action plan”, she recalled that there had been a consensus in previous discussions that a coherent set of actions was needed. Governments also appeared to support action on the issue and to consider it a priority. Nothing was “stand-alone” at the ILO, but to achieve progress in a coherent manner, a certain level of focus was needed. Her group therefore called for a coherent and focused set of actions for dealing with the challenges posed by EPZs, this could be in the form of an action plan or plan of actions.
- 320.** *The Employer spokesperson* thanked the Worker spokesperson for having cast the issue in a different light. He emphasized that his group was fully committed to respecting fundamental rights in EPZs. With respect to the proliferation of programmes and duplication of efforts, the Employers had merely intended to point out that such duplication had occurred in other forums and to stress that it should not happen in the case at hand. Provided that the Office took the concerns of his group into account, he was willing to support the draft decision.

Decision

321. *The Governing Body decided to:*

- (a) take note of the outcome of the Meeting of Experts, endorse the conclusions, and authorize the Director-General to publish the conclusions of the Meeting; and*
- (b) request the Director-General to include the recommended follow-up action in the implementation of subsequent programmes and budgets.*

(GB.332/INS/14/1, paragraph 9.)

Second Supplementary Report: Documents submitted for information only ([GB.332/INS/14/2](#))

Outcome

322. *The Governing Body took note of the information contained in the documents listed at the end of its agenda.*

(GB.332/INS/14/2, paragraph 3.)

Third Supplementary Report: Replacement of a member of a Governing Body committee set up to examine a representation submitted in accordance with article 24 of the ILO Constitution ([GB.332/INS/14/3](#))

323. *Speaking on behalf of the Government group, a Government representative of the Republic of Korea recalled that in March 2017 the Governing Body had appointed Mr Diego Cano Soler of Spain as the Government member of a tripartite committee established to examine a representation alleging non-observance by France of the Termination of Employment Convention, 1982 (No. 158). Since, following the Governing Body elections in June 2017, Spain no longer held a seat in the Governing Body, the Government group needed to nominate a representative to replace Mr Cano Soler as the Government member of that tripartite committee.*

Decision

324. *The Governing Body appointed Mr Khalid Atlassi (Morocco) as Government member in the tripartite committee responsible for the examination of the representation alleging non-observance by France of the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the General Confederation of Labour–Force Ouvrière (CGT–FO) and the General Confederation of Labour (CGT).*

(GB.332/INS/14/3, paragraph 3.)

Fifteenth item on the agenda

Reports of the Officers of the Governing Body

325. *As there was no private sitting, the consideration of two reports of the Officers concerning representations under article 24 of the Constitution of the ILO was deferred to the 333rd Session (June 2018) of the Governing Body.*

Sixteenth item on the agenda

Programme, composition and agenda of standing bodies and meetings

(GB.332/INS/16(Rev.))

326. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea expressed his appreciation for the preparatory work concerning the format and composition of ILO meetings. In this connection, his group expressed a clear preference for the meeting on cross-border social dialogue, scheduled for the last quarter of 2018, to take the form of a technical meeting so that all interested Government representatives should be invited. His group requested the Office to hold informal consultations on the format and agenda of that meeting before the 333rd Session of the Governing Body in June 2018. Consultation was an essential part of social dialogue and tripartism and important for preparations for a successful meeting. The Government group supported all draft decisions in the document.
327. *The Employer spokesperson* also supported all draft decisions but indicated that the meeting on cross border social dialogue should take the form of a meeting of experts rather than a technical meeting.
328. *The Worker spokesperson* said that her group agreed that the meeting on cross border social dialogue should take the form of a meeting of experts, as envisaged in the framework for the follow-up to the global supply chain discussion.
329. *The Clerk of the Governing Body* said that when it had been initially decided to hold the meeting, no decision had been made on its format. The question had been put to the constituents at the current session of the Governing Body. Since no agreement had been reached on the format, it would be postponed for consideration by the Governing Body at its session in June 2018.
330. *Speaking on behalf of the Africa group*, a representative of Chad noted with satisfaction that the composition of groups was based on tripartism. According to the ILO Constitution and the Standing Orders of the International Labour Conference, international non-governmental organizations could be invited to attend the Conference; in the past, invitations had been extended without difficulty and the Office should ensure that continued. Observers were required to refrain from taking the floor in discussions and that principle should be respected. The Africa group supported the draft decisions in paragraphs 4, 8 and 10 of the document.

Decisions

Meeting of Experts on Defining Recruitment Fees and Related Costs

(Geneva, 14–16 November 2018)

331. *The Governing Body, on the recommendation of its Officers, approved the holding of the Meeting on the dates proposed, as well as the composition proposed in document GB.332/INS/16(Rev.).*

(GB.332/INS/16(Rev.), paragraph 4.)

Invitations of intergovernmental organizations and international non-governmental organizations to official meetings

107th Session of the International Labour Conference (Geneva, 28 May–8 June 2018)

332. *The Governing Body, on the recommendation of its Officers, authorized the Director-General:*

- (i) to invite the organizations listed in the appendix of document GB.332/INS/16(Rev.) to be represented at the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they had stated a special interest; and*
- (ii) to inform the organizations concerned that they might nominate one person only for each of the agenda items in respect of which their interest had been recognized.*

(GB.332/INS/16(Rev.), paragraph 8.)

Invitation of observers to other official meetings

333. *The Governing Body endorsed the proposals made in the table appended to document GB.332/INS/16(Rev.) relating to the invitation of international non-governmental organizations as observers to the meetings listed therein.*

(GB.332/INS/16(Rev.), paragraph 10.)

Programme of meetings for 2018 and 2019

334. *The Governing Body took note of the programme of meetings, as approved by the Officers of the Governing Body, subject to decisions to be adopted, as described in the footnotes of document GB.332/INS/16(Rev.), Part II.*

(GB.332/INS/16(Rev.), paragraph 11.)

Other business

335. *A Government representative of the Republic of Korea expressed his concern regarding the late start of Governing Body meetings, which had become the rule rather than the exception. The delays disrupted the following meetings and were unfair to the few people who arrived on time. He called on the Officers of the Governing Body to start the meetings at the scheduled times. Any groups not in a position to start on time should give an indication of when they expected to start and provide reasons for the delay. The Governing Body should be informed of any delay and consulted as to whether it wished to wait for late participants. Delays should not exceed 20–30 minutes. Strictly adhering to start times would result in a more productive working environment.*

336. *The Chairperson*, recalling that the Officers of the Governing Body were in the hands of the groups, acknowledged the sentiment expressed by the representative of the Republic of Korea and called on participants to ensure that meetings started on time.
337. *Speaking on behalf of the Government group*, the Government representative of the Republic of Korea said that his group was seriously disappointed at the inability of the Governing Body to commence its meetings on time. No one group was to blame and everyone needed to take responsibility. The three groups should meet to establish the methodology and timing of meetings so that joint and informed decisions could be taken when meetings were delayed.
338. *The Worker spokesperson* agreed with the proposal to schedule a conversation to establish modalities on the conduct of Governing Body meetings. She apologized to the Governing Body for the late start of the discussion on the Standards Initiative. The matter before the Governing Body was complex, and the Employers and Workers had wished to ensure the effectiveness of the discussion by meeting beforehand to prepare amendments to the draft decision which could be studied before discussion.
339. *The Employer spokesperson* apologized unreservedly for having kept the Government representatives waiting. In the future, his group would come to the room to seek permission for a late start if necessary. The Workers' and Employers' groups had considered that they were saving time in the long run by attempting to reach consensus before the discussion.
340. *The Chairperson* proposed that an item on the methodology and timing of Governing Body meetings should be added to the agenda of the Screening Group meeting to be held on 10 April 2018.

Closure of the session

341. *The Chairperson* informed the Governing Body that the Staff Union had announced an Organization-wide strike for that afternoon and the following day, which made it very difficult to continue with the current session of the Governing Body.
342. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea sought clarification on why the meeting could not continue because of the strike action.
343. *The Director-General* said that one reason was that the Workers' delegation had just left the room in solidarity with the strike and another was that the ILO had signed a protocol with its Staff Union in 1984 on essential services to be maintained in the event of strike action. Being limited to those essential services would make it impossible to continue with the Governing Body session.
344. *A representative of the Director-General* (DDG/MR) said that the outstanding agenda items were as follows:
- Institutional Section
 - item 4: Report of the Tenth European Regional Meeting (Istanbul, 2–5 October 2017);
 - item 5: Standards Initiative: Implementing the workplan for strengthening the supervisory system;
 - item 7: Review and possible revisions of formats and standing orders for meetings;

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- item 11: Reports of the Committee on Freedom of Association;
 - item 13: Report of the Working Party on the Social Dimension of Globalization;
 - items 15/2 and 15/3: Reports of the Officers concerning two representations under article 24 of the Constitution;
 - Policy Development Section – Development Cooperation Segment
 - item 5: Integrated ILO strategy to address decent work deficits in the tobacco sector;
 - Legal Issues and International Labour Standards Section – International Labour Standards Segment
 - item 3: Proposed form for reports to be requested under article 19 of the ILO Constitution in 2019 on a number of instruments on employment promotion through the regulation of the employment relationship;
 - Programme, Financial and Administrative Section – Personnel Segment
 - item 12/3: The status of the judges of the Administrative Tribunal of the ILO.
- 345.** Those items would be discussed at the Screening Group meeting on 10 April 2018 and subsequently by the Officers of the Governing Body to determine which of the items could be carried forward to the 333rd Session (June 2018) of the Governing Body and which could be delayed until the 334th Session (October–November 2018).
- 346.** *The Chairperson* declared the 332nd Session of the Governing Body closed.

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Follow-up discussion on the voluntary peer review mechanisms of national employment policies ([GB.332/POL/1\(Rev.\)](#))

347. *The Employer spokesperson* said that the voluntary peer review mechanism must add value to the policy discussions already under way and be differentiated from existing mechanisms. It should be made clear from the outset that peer reviews did not relate to countries' compliance with international labour standards. The Employers would like to see peer review used as a practical learning tool. However, the proposals outlined in the document did not specify the kind of themes that would be reviewed and against which criteria. Moreover, widely varying country contexts made international benchmarking by external parties a challenging task. The objective should be mutual learning, not judgement. The current proposals failed to specify that countries should be free to use the knowledge acquired as they saw fit, and that they would not be ranked on the basis of peer reviews. In addition, the lack of focus in the analytical framework gave cause for concern; its broad scope meant that the potential for superficial analysis and duplication of work was high. Peer review would be more meaningful if organized around a few well-defined thematic areas where there was need for more knowledge and experience sharing. In addition, the cost of the exercise should be commensurate with the benefit; the current proposals appeared expensive. The findings of the review should be followed up, possibly by tripartite committees at the national level, in order to ensure that they had an impact. In addition, the extra cost to the volunteer countries in the production of their assessment reports was not specified. In order to move the discussion forward, the Employers would agree that the requesting country should pay some of the related costs and define the criteria against which the review would be made. The technical support of the Office, with its vast country knowledge, would be invaluable and was likely to cost less than indicated in the document. The decision to conduct peer reviews at a global or subregional level should be taken on the basis of the objectives and priorities of the countries involved; each country was unique and should be treated as such. The more practicable approach would be peer review at the subregional level. A two- or four-year cycle would be sufficient for countries to effectively follow up on the findings of the review as set out in paragraph 6 of the document, particularly with regard to economic growth and job creation and the transition from an informal to a formal economy. In conclusion, his group favoured a decentralized approach that promoted learning with a view to achieving nationally determined priorities. Such an approach should have no scope for inter-country ranking or external judgement of the policy choices made by reviewing countries outside their treaty obligations.

348. *The Worker spokesperson* said that his group continued to support the setting up of a peer review mechanism on employment policies, which would promote mutual learning and assist with the implementation of the comprehensive employment policy framework adopted at the International Labour Conference in 2014, and continued to favour a global peer review mechanism that would allow all members to volunteer and exchange good practices on a broad set of policies. A global approach would promote learning among countries with similar levels of development but different regions and among countries with different levels

of development, while a subregional approach would limit the possible benefits. The Workers considered full peer review cumbersome to achieve and so preferred option 1.B, with minor amendments. Peer reviews should include a full tripartite self-assessment by the countries under review, based on an ILO template, and a global workshop to enable countries to discuss their findings with the Office. ACTRAV and ACT/EMP should be associated with the reviews at both country and global levels and capacity building should be provided to workers' and employers' organizations. The Office should prepare a final report giving guidance on policy options, opportunities for technical assistance and capacity building, for discussion by the Governing Body at least every four years. That should be aligned with the timeline of the recurrent item discussion on employment in order to strengthen the link with the ILO Declaration on Social Justice for a Fair Globalization and contribute to more informed and focused discussions during the Conference. The estimated costs outlined in the document could probably be decreased by using already allocated resources, for instance in the framework of national employment policies. An additional budget to define the methodology for the review process appeared unnecessary, as such expertise should already have been developed by the Office in relation to the comprehensive employment policy framework. It was unclear why the costs for the partial peer review options were so high, as they would basically fall within the costs of global or subregional meetings with the countries that had volunteered. It was regrettable that costs had been included in some Governing Body documents but not others, as their presence or absence influenced the Governing Body's decision-making. Tripartism should be well ensured throughout the whole review process so that the mechanism itself would help reinforce tripartism in the important area of employment policy. Moreover, the Office should consider providing clarification and details on the volunteering process, as well as incentives for participation. Some flexibility should be allowed regarding the number of countries allowed to participate in the review process for each cycle. Similarly, the periodicity of the review should be clarified. The Workers' priority was that the outcomes of the review process fed every four years into the recurrent discussion on employment. In summary, the Workers' group was in favour of adopting option 1.B, taking the elements outlined into consideration. The result would not be a fully-fledged peer review but rather a global conference or forum where participating countries could exchange good practices, promote mutual learning and review one another based on self-assessment supported by the Office.

- 349.** *Speaking on behalf of ASPAG*, a Government representative of Japan said that it would be essential to gain the full agreement of the selected countries when deciding on the countries to be reviewed, since the process must be truly voluntary. In addition, the ILO must provide support for the reviewing countries and countries under review and make efforts to maximize the outcomes in terms of mutual learning and cost-effectiveness. Her group considered that conducting peer review within the same region would be most effective. On the other hand, as it was important to avoid peer reviews becoming a heavy burden for reviewing countries and countries under review, a full peer review process would not be effective. For those reasons, and provided that the Office took its guidance into account, her group supported option 2.B.
- 350.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that it was of paramount importance that peer review mechanisms remained voluntary and helped to foster mutual learning and exchange of good practices. Peer review should also serve to connect the efforts of governments among countries with common characteristics and similar circumstances. However, the options put forward in the document did not fully reflect that principle. Under options 1.A and 2.A, it was unclear how the system, described in paragraph 14, through which countries could volunteer would be established and who would be responsible for its design. Further details on the global symposium and the peer review workshop should be specified. Moreover, a mechanism through which countries would at the same time review and be reviewed by their partners could be envisaged. In addition, the Office's role in promoting capacity building for the sharing of best practices and

development cooperation, including South–South and triangular cooperation, could be further clarified at the inception, implementation and follow-up stages. The extent to which the conclusions of the recurrent item discussion at the 2014 Conference would be applicable to the review of specific national employment policies as stipulated in paragraph 4(b) must be discussed on a case-by-case basis. Moreover, partial peer review might, in fact, duplicate existing mechanisms and systems, such as the Committee on the Application of Standards and national tripartite decent work conferences. In view of the above, he proposed amending the draft decision contained in paragraph 32 to read: “The Governing Body requests the Office to hold intersessional consultations with a tripartite element on drafting further detailed proposals regarding document GB.332/POL/1, so that the issue can be examined for decision at its 334th Session in October–November 2018.”

351. *Speaking on behalf of the Africa group*, a Government representative of Senegal said that creating decent and productive work was at the heart of the African region’s priorities. The region had issued recommendations in response to the employment challenges it faced and was seeking to strengthen coordination between regional economic communities and international partners. Such efforts bore witness to the Africa group’s interest in the monitoring and evaluation of employment policies. However, after discussion, his group considered that intersessional consultations were necessary and supported deferring the discussion on voluntary peer review mechanisms to the 334th Session of the Governing Body.

352. *Speaking on behalf of the Governments of Austria, Belgium, Canada, Denmark, Finland, Germany, Ireland, Netherlands, Norway, Poland, Sweden, United Kingdom and United States*, a Government representative of Finland said that he agreed with the voluntary aspect of the mechanism but added that it should focus on limited and well-defined policy areas. He insisted that conducting peer reviews was not a requirement by the International Labour Conference. Further, he expressed serious reservations regarding the high costs and resources that the mechanism would incur, as well as the added value of the initiative considering the possibility of duplication with other relevant ILO processes and the peer reviews of national employment policies already carried out by international and regional bodies. A wealth of information was already available within the Office that could serve the same purpose as a peer review. He noted the lack of consistency among the various options, one of which required a self-assessment report by the country under review, while another required a report from a tripartite delegation in the country and another required the Office to complement a national report. It was unclear why the ILO should play such an active and costly role under some of the options. Before introducing new mechanisms, the ILO should make better use of existing mechanisms and cooperate with other UN agencies, especially taking into account the ongoing UN reform. Although he recognized the need for experience sharing and mutual learning, a peer review mechanism should not be implemented.

353. *A Government representative of China* said that the voluntary peer review mechanism would promote cooperation and exchange and help countries to analyse long-term structural challenges in the labour market, an important contribution given the current difficult employment context. The mechanism must be voluntary and the scope of the review, including the review cycle, should be determined by the participating countries through consultation. He said that he did not want the mechanism to inform the recurrent item discussion on employment. It was the ILO’s role to support tripartite partners, for instance, in building capacity, promoting proactive labour market policies and improving entrepreneurship mechanisms. The Office should also provide integrated and interdisciplinary technological support at the global level in order to promote exchange of employment policies and experiences. His Government supported option 2.B.

354. *A Government representative of India* said that a peer review mechanism of national employment policies could be a success only if member States had well-developed

employment policies. The ILO should provide technical assistance to countries in that regard. His Government supported option 2.B. Countries of the same geographical subregion would benefit the most from one another since they had a similar demography, level of economic growth and governance system. The mechanism should promote knowledge sharing, mutual learning and networking among countries. It should also contribute to achieving long-term objectives, such as policy and institutional reforms.

- 355.** *A Government representative of Cuba* said that her Government had not agreed to peer review and had raised a concern about the matter in a previous meeting. However, intersessional consultations should continue.
- 356.** *A representative of the Director-General (Deputy Director-General for Policy)* said that there was little consensus on the voluntary peer review mechanism. While preference had been more frequently expressed for option 2.B, the Workers' group was in favour of option 1.B, and some countries did not support peer review at all. She emphasized that the mechanism would be voluntary, allowing for flexibility and mutual learning, and should not involve strict criteria so as to give as much flexibility as possible to the mechanism and thus have a truly voluntary system. The countries participating in the reviews would establish their own parameters and be free to absorb the findings of the review in the best way they saw fit. The Office was happy to conduct intersessional meetings, if the Governing Body so wished, to clarify matters and spell out details of the review process, but it was important to ensure that the process did not become prescriptive. The Office was able to absorb some low costs, such as for the design of a template, but other costs were involved, notably in terms of staff time. The cost of the partial review was higher than the full review because the former required the Office to visit the country and carry out a technical analysis. The major role of the Office in all cases would be to provide technical and analytical support.
- 357.** *The Worker spokesperson* said that although he supported the amendment proposed by GRULAC, the phrase "intersessional consultation with a tripartite element" should be replaced by the phrase "tripartite intersessional consultations". The Office should limit the options for peer review to two, rather than four. Since there was no appetite for option 1.A (full peer review at global level) or for option 2.A (full peer review at subregional level), both should be dropped. The remaining two options would, therefore, be options 1.B (partial peer review at global level) and 2.B (partial peer review at subregional level). Limiting the options would make it easier for different groups and governments to focus and make a decision. While processes and institutions could overlap in regional or international peer reviews, the problem appeared only to affect countries of the European Union and the Organization for Economic Co-operation and Development. It was important to support the process of peer review, or at least of "review". Indeed, option B was in both instances a self-assessment complemented by the ILO rather than a peer review.
- 358.** *The Employer spokesperson* said he agreed that further discussions should be held and that they should be limited to options 1.B and 2.B. His group was in favour of option 2.B. He supported the amendment proposed by GRULAC.

Decision

- 359.** *The Governing Body requested the Office to hold tripartite intersessional consultations on drafting further detailed proposals regarding document GB.332/POL/1, so that the issue can be examined for decision at its 334th Session in October–November 2018.*

(GB.332/POL/1(Rev.), paragraph 32, as modified by the Governing Body.)

Social Dialogue Segment

Second item on the agenda

Sectoral meetings held in 2017 and proposals for sectoral work in 2018–19 ([GB.332/POL/2](#))

- 360.** *The Employer spokesperson*, thanking the Office for the document regarding the two meetings held in 2017, said that the Employers commended the productive results of the two meetings, on migrant fishers and opencast mines, which were a result of the solid work of the Office and the input of the tripartite partners and experts in attendance. The Tripartite Meeting on Issues Relating to Migrant Fishers had resulted in a universal agreement on recommendations, namely, appropriate legislation, harmonization of migration policies and effective labour inspection. The Meeting of Experts on Safety and Health in Opencast Mines had resulted in the adoption of a revised code of practice. The Employers supported the draft decision.
- 361.** *The Worker spokesperson*, thanking the Office for the document and for the organization of the two meetings held in 2017, welcomed the recommendations to improve unacceptable working conditions in the two economic sectors, which were key to achieving the Sustainable Development Goals. The necessary efforts to allow workers to exercise their fundamental rights relied upon the commitment of governments to ratifying and implementing the relevant standards, as well as the commitment of enterprises to respecting human rights and labour standards, at all levels and throughout the supply chain. The Workers welcomed the revised code of practice on safety and health in opencast mines and asked that it be used to improve occupational safety and health in that sector. The adoption of the code should be seen as an opportunity to promote the ratification and implementation of the Safety and Health in Mines Convention, 1995 (No. 176). Regarding migrant fishers, who were among the most vulnerable workers and subject to various abuses, the Workers supported the conclusions encouraging close cooperation between United Nations agencies for the rapid implementation of international instruments and the formulation of directives on recruitment and effective legal cooperation. The results of the two tripartite meetings must be implemented and closely followed up, and adequate budget allocations must be made to promote the recommendations. The Workers welcomed the meetings planned for 2018 and supported the draft decision.
- 362.** *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group considered the results of the two tripartite meetings to be rich and encouraging. With respect to migrant fishers, the implementation of the recommendations and resolution formulated by the tripartite meeting would improve the safety and dignity of workers who currently suffered from treatment which amounted to forced labour. Those proposals included, inter alia, developing an UN inter-agency roadmap for the rapid implementation of international agreements concerning labour in the sector; providing support to businesses to eradicate forced labour and child labour; and supporting the ratification of the Work in Fishing Convention, 2007 (No. 188). His group welcomed the revised code of practice on safety and health in opencast mines. The new version of the code provided a clear picture of risk management and methods of intervention in emergency situations. Noting that the list of meetings for 2018–19 was in line with the decisions taken by the Governing Body at its 329th and 331st Sessions, his group urged the Office and the member States to adopt the guidance from the two meetings in 2017 and supported the draft decision.

363. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada took note of the meetings held in 2017 and supported subparagraphs (a)–(d) of the draft decision. With regard to subparagraph (e), IMEC agreed with the proposed meetings listed in the table presented in the appendix as it had been the subject of tripartite agreement. However, he asked the Governing Body to remain open to holding an expert meeting during the first half of 2019 to discuss the content of the possible outcomes of the 108th Session of the Conference (2019), as many questions remained pending.

Decision

364. *The Governing Body:*

- (a) *took note of the reports of the meetings referred to in section I;*
- (b) *authorized the Director-General to communicate the final report of the Tripartite Meeting on Issues relating to Migrant Fishers to governments, requesting them to communicate the report to the employers' and workers' organizations concerned, and to the international employers' and workers' organizations and other international organizations concerned;*
- (c) *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 Tripartite Meeting on Issues relating to Migrant Fishers;*
- (d) *authorized the Director-General to publish the code of practice on safety and health in opencast mines; and*
- (e) *endorsed the proposals contained in the appended table relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

(GB.332/POL/2, paragraph 11.)

Third item on the agenda

Follow-up to the IV Global Conference on the Sustained Eradication of Child Labour

(Buenos Aires, 14–16 November 2017)

([GB.332/POL/3](#))

365. *A Government representative of Argentina* said that the IV Global Conference on the Sustained Eradication of Child Labour (IV Global Conference), held in Buenos Aires, had been a space for tripartite dialogue, exchanging experiences and good practices, and policy reflection. The consensus on best practices, current challenges and actions and principles was summarized in the Buenos Aires Declaration on Child Labour, Forced Labour and Youth Employment (the Declaration), which served to guide actions for the eradication of child and forced labour and for the generation of decent jobs for young people. The Declaration called for a human rights-based approach, urging the international community to take concrete actions in three areas: policy and governance; knowledge, data and monitoring; and partnerships and innovation. The organization of the IV Global Conference reflected Argentina's commitment to compliance with Conventions Nos 138, 182, 29

and 105, as well as the Protocol of 2014 to the Forced Labour Convention, 1930, and the 2030 Agenda for Sustainable Development, especially target 8.7. The Conference represented a milestone in the promotion of international cooperation, tripartite dialogue, sustainable partnerships, the participation of civil society, the exchange of experience, knowledge and information, the ratification of the principles reflected in the Brasilia Declaration, and the 96 voluntary pledges to carry out the IV Global Conference objectives. His Government was committed to the Declaration and the voluntary pledges. It would continue sharing experiences and collaborating with the international community and, if necessary, would assist the organizer of the V Global Conference.

- 366.** *The Worker spokesperson*, thanking the Office for the document and the Argentine Government for organizing the IV Global Conference, welcomed the Declaration. The full exercise of fundamental rights and an integrated view of the root socio-economic causes of the problems were necessary for the effective implementation of the Declaration. Child labour and forced labour were complex issues which required sustainable long-term solutions, encompassing social justice, distribution of wealth, and the defence and creation of decent work, within a context of transition to sustainable development models. The international community must be decisive in demanding the eradication of child labour and forced labour and the Declaration highlighted the key role to be played by workers' and employers' organizations. The ratification and implementation of international labour standards were key for achieving the Conference objectives, especially the ILO fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930. Convention No. 102 and Recommendation No. 202 must serve as a basis to guide social protection policy, which was fundamental to eliminating child labour and forced labour.
- 367.** Decent work and universal social protection were essential to implement the proposals in the Declaration. The Workers supported the proposals of the Declaration as summarized in paragraph 8 of GB.332/POL/3 and welcomed its recognition of the importance of enterprises respecting human rights. The Decent Work Agenda would only become a reality by overcoming challenges posed by globalized production, financing, and changes in demographics, climate and technology. The Declaration's integrated approach to the achievement of target 8.7 of the 2030 Agenda, including the creation of a forum on Alliance 8.7, was innovative. Overall, his group was satisfied with the outcomes of the Conference, the shared focus on the rights and best interests of the child, and the call to take concrete actions in the three key areas described in the document. He requested further information from the ILO on the implementation of the Plan of Action for the period 2017–23, in particular on resources allocated to its implementation and targets to be met by December 2018, and how the Office would implement tripartite agreements in the framework of target 8.7 of the 2030 Agenda, including national commitments. He hoped that Alliance 8.7 would strengthen tripartite cooperation and promote the ratification and implementation of instruments on child and forced labour. He supported the draft decision and the proposal of GRULAC to designate 2021 as the United Nations International Year on the Eradication of Child Labour and the Protection of Adolescent Workers. Governments should formulate regulations to eliminate child labour and forced labour now: 2030 was too long to wait.
- 368.** *The Employer spokesperson* said that the adoption of the Declaration was a milestone in the fight against child labour and had enabled the international tripartite community to analyse progress made since the Oslo conference. ILO global estimates on child labour, forced labour and forced marriage had proved crucial to discussions; however, progress in the eradication of child labour had stagnated. Positive outcomes would only be achieved through renewed coherent, coordinated efforts to strengthen labour inspection, education, victim protection and social security systems, and achievement of the 2030 Agenda targets would require prompt action. The ILO should support the implementation of the 96 pledges arising from the IV Global Conference within the framework agreed. Efforts should be redoubled to

transform behaviours and cultures and to create institutions, policies and alliances for the eradication of all forms of child labour by 2025 and of forced labour by 2030 through accelerated actions. Employers would pursue innovative approaches to end child labour and forced labour. The focus must be on education to provide opportunities for children and young people, prioritizing a rights-based approach to the eradication of child labour and forced labour, and risk mitigation in commercial operations and supply chains. Her group supported the draft decision.

- 369.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that her group welcomed the continued focus on unacceptable forms of work and underscored the need for sustained international efforts to eradicate child labour and forced labour. She requested further detail on the content of the 96 pledges delivered at the IV Global Conference so constituents unable to attend could study its commitments and outcomes. Her group supported the Office's work with regard to Alliance 8.7, an initiative that enabled constituents to make efficient use of resources and share lessons learned. Sustained tripartite efforts were vital to the achievement of the Conference's outcomes, in particular regarding Alliance 8.7, and progress should be tracked through meaningful, focused discussion.
- 370.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that his group had taken note of the main outcomes of the IV Global Conference. He welcomed the global collaborative approach to the elimination of child labour and forced labour and the development of policies to promote quality youth employment. The outcomes of the Conference would be central to the development of a holistic, integrated Office approach and would help the international community combat child labour and forced labour and obstacles to decent work for adults. The ILO should follow up on voluntary pledges made by constituents in the areas of policy, research, financial commitments, partnerships, advocacy, ratification and legislation at the national level, and should also provide the technical assistance necessary to fulfil its vision in that regard. He encouraged constituents to strengthen mechanisms and efforts aimed at the implementation of the Declaration in conjunction with the ILO Plan of Action for the period 2017–23 in order to deliver concrete outcomes. The Declaration should be disseminated as widely as possible with a view to meeting target 8.7 of the 2030 Agenda. He supported the draft decision.
- 371.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that Spain aligned itself with the statement. Efforts to eradicate child labour and forced labour and to generate decent work for young people should be accelerated; tripartite dialogue and coherent national policies were needed. His group had set up a regional initiative to accelerate the eradication of child labour and promote the rights of children in the region under a framework that emphasized the need for preventive and targeted action to identify at-risk children, offer their families social protection, prevent their early entry into work, and ensure adequate, age-appropriate working conditions once they started work. Stakeholders from all sectors had committed to the 96 pledges proposed at the Conference, 13 of which came from his region. He underlined his group's commitment to the proposed designation of 2021 as the United Nations International Year on the Eradication of Child Labour and the Protection of Adolescent Workers as it would ensure the continued prioritization of the issue among stakeholders on the road to 2025. The ILO should provide assistance towards the achievement of the proposed objectives. He supported the draft decision.
- 372.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova and Georgia. Her group had demonstrated its commitment to the elimination and prevention of child labour and forced labour and the promotion of rights at work by enacting Community-wide legislation and EU projects to that end. Current child labour estimates, the stagnation in the decline of child

labour and the increased number of forced labour victims were troubling. The momentum created during the IV Global Conference should be harnessed to accelerate action towards a breakthrough in the fight against child labour and forced labour. She welcomed the adoption of the Declaration and the shared commitment to eliminating child and forced labour in global supply chains. The timing of the Declaration would help mobilize efforts towards the achievement of target 8.7 of the 2030 Agenda and served as valuable guidance for all relevant stakeholders.

- 373.** She urged ILO constituents to honour commitments assumed under the three key areas of the Declaration. The ILO should support the constituents through operational programmes and projects such as the IPEC+ flagship programme and the Fair Recruitment Initiative, and companies should engage in the Child Labour Platform. Given the complex nature of child labour and forced labour, an integrated policy response consistent with the Declaration and the ILO Plan of Action for the period 2017–23 was essential to the implementation of the conclusions of the second recurrent discussion on fundamental principles and rights at work.
- 374.** She called on member States to ratify Conventions Nos 138 and 182 and the other fundamental ILO Conventions, as well as the Protocol of 2014 to the Forced Labour Convention, 1930. She recalled the importance of the UN Convention on the Rights of the Child and its Optional Protocols.
- 375.** In view of the need to strengthen labour inspection to better detect and assist victims of child and forced labour, the policy and governance framework should provide for adequate support to victims and the implementation of effective mechanisms to prosecute perpetrators. Given the link between poverty and child and forced labour, effective measures on poverty reduction and social inclusion were needed; the intergenerational transmission of poverty could be prevented through an integrated policy approach that supported children and families, in line with the Social Protection Floors Recommendation, 2012 (No. 202).
- 376.** Compulsory, free and accessible quality education for all children was key to the prevention of child labour, with investment in that area being most cost-effective and providing the highest social return. Creating opportunities for apprenticeships and decent work for adults and young people was also crucial, and the Decent Work Country Programmes (DWCPs) would be helpful in implementing the Declaration, as would a focus on vulnerable groups or on other unacceptable forms of work in global supply chains. The informal economy, trafficking of human beings and existing decent work deficits posed great challenges.
- 377.** Building partnerships with other UN agencies and the private sector and promoting regional and subregional initiatives were also essential to implementing the Declaration and monitoring progress within the framework of Alliance 8.7 and South–South cooperation. The ILO had a leading role to play in providing technical assistance for social dialogue and collecting and disseminating information.
- 378.** Tangible progress before the next Global Conference would require ambition and concrete measures following up on government pledges. It would therefore be useful if the Office were to provide a document summarizing the pledges, and she proposed two additional subparagraphs to the draft decision, to read:
- (d) asks the Office to make an overview of the pledges made in Buenos Aires, clustered per theme and/or subject; and
 - (e) requests the Office, in cooperation with Alliance 8.7, to organize before the V Global Conference a mid-term review of the progress made in eliminating child and forced labour and achieving SDG target 8.7 in those matters.

379. The proposed amendment was neither a new follow-up mechanism nor a binding review of commitments made under the Declaration. The aim was merely to take stock of progress made and exchange best practices midway between the IV and V Global Conferences.
380. *Speaking on behalf of GRULAC*, a Government representative of Paraguay proposed a subamendment to the draft decision, in the form of an additional subparagraph, to read:
- (f) encourages the General Assembly of the United Nations to declare the year 2021 as International Year for the Elimination of Child Labour.
381. *A Government representative of Indonesia* reaffirmed her country's commitment to eliminating child labour by 2022 through a national action plan, an environment conducive to accessible education, programmes to help children stay in school and subsequently undertake vocational education, and cooperation with the social partners and civil society. Although global partnerships were paramount in implementing the Declaration, the ILO should take the lead while preserving its unique tripartite system.
382. *A Government representative of Turkey* said that his Government was taking steps towards eliminating child labour in all its forms by 2025, including longer compulsory education and other regulatory measures, awareness-raising activities and close cooperation with the social partners, civil society and the ILO. Turkey was currently hosting more than 4 million refugees, of which 3.5 million were Syrians and 1.3 million were children, a situation that was a striking example of the challenges posed by migration and forced displacement. His Government could not tackle such a large-scale problem on its own; international solidarity and concrete support were needed urgently. Turkey supported the draft decision, as amended by GRULAC and the EU and its Member States.
383. *A Government representative of China* said that the Office should take into account the principles and actions in the Declaration when preparing the Programme and Budget for 2018–19. The Office should also strengthen its follow-up and continue its engagement with all stakeholders, such as through Alliance 8.7, and strengthen resource mobilization and development cooperation, including through the IPEC+ flagship programme, to meet the demands of its tripartite constituents. His Government supported the draft decision.
384. *A Government representative of Germany* said that eradicating all forms of child labour by 2025 would require urgent and decisive action at the national and international levels through bilateral and multilateral cooperation. Alliance 8.7 had an important role to play, and her Government supported the idea of involving the Alliance in a midterm review to be organized in collaboration with the Office. Addressing working conditions in global supply chains would be key to achieving the eradication of child labour and forced labour. Governments, the social partners, and particularly enterprises, played an important role in carrying out human rights due diligence in the supply chains. Her Government supported the draft decision as amended by the EU and its Member States.
385. *A Government representative of Nepal* said that international cooperation was essential to meeting SDG target 8.7 and the pledges made by governments. The goal of eliminating child labour was enshrined in Nepal's Constitution and other domestic legislation, which were enforced through labour offices, child welfare offices and committees, and a national child helpline. Development partners, non-governmental organizations and other non-state actors had an important role to play in raising awareness and implementing legislation. The Declaration was highly relevant, and collective efforts should be made to ensure that it produced results. His Government supported the draft decision as amended.
386. *A Government representative of India* said that laws and enforcement mechanisms on child labour were in place in his country and that his Government had ratified and was

implementing Conventions Nos 138 and 182. There were also constitutional and legal mechanisms that prohibited forced labour in India, including organized begging rings, forced prostitution and child labour. Partnerships were welcome; however, the Office should be cautious and ensure that all databases and methodologies were tested before use, and that governments and the social partners were consulted on initiatives. He supported the draft decision.

- 387.** *A Government representative of Australia* said that measures being taken by Australia to combat modern slavery and child labour included the introduction of legislation to require businesses to report annually on their actions to address modern slavery in their operations and supply chains. Furthermore, the Government of Australia was working towards ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, as well as Convention No. 138. As a key platform to advance international cooperation and programmes, Alliance 8.7 sought to join expertise, avoid duplication of efforts and promote a collaborative response to ending child labour and forced labour; the ILO should therefore direct its efforts to implement the Declaration through the Alliance. She encouraged all stakeholders to lend their support to the planned Alliance 8.7 briefing at the International Labour Conference in June 2018 and the multi-stakeholder event at the High-Level Political Forum on Sustainable Development in New York in July 2018.
- 388.** *A Government representative of Bangladesh* said that Bangladesh supported the Declaration, which had integrated all possible efforts that could be made to eliminate child labour and forced labour. His country had made sustained efforts to eradicate child labour, but challenges remained in the informal sector, particularly in agriculture. He called for the engagement of development partners and the ILO to support the monitoring system that had been put in place. Child education, which was compulsory and free in Bangladesh at the primary level, could play an effective role in eradicating child labour.
- 389.** *A representative of the Director-General (Deputy Director-General for Policy)* thanked members of the Governing Body for their impressive collective commitment to supporting the outcomes of the IV Global Conference. She welcomed the ratification by India of Conventions Nos 138 and 182 and the consideration of the ratification of Convention No. 138 by Australia. There was a recognition of the need to deepen and accelerate efforts to address the issue, which required a similar response from the ILO. She called on the Governing Body to support the ILO's efforts, which would require an integrated approach.
- 390.** *The Chairperson* introduced amendments from GRULAC and the EU and its Member States.
- 391.** *The Employer spokesperson* welcomed the amendments put forward by GRULAC and the EU and its Member States, in particular the EU's amendment suggesting that a midterm review would be held between the IV Global Conference in 2017 and the next Global Conference. She supported making specific reference to child labour and forced labour when achievement of SDG target 8.7 was mentioned.
- 392.** *The Worker spokesperson* recalled that, for the Workers' group, child labour, forced labour and modern slavery was not an issue of culture, but rather of the commission of criminal acts, which needed to be addressed with more than strong words. Unscrupulous enterprises must be brought to justice and punished, otherwise those wishing to respect formal rights and structures would face unfair and illegal competition. He supported the call for a register of companies that had demonstrated unethical business attitudes and conduct, with a view to effectively blacklisting them from being engaged by the State.

393. With respect to the amendments, he asserted that the ILO should take the lead in supporting the Declaration. The ILO played an essential role in the development of tripartite dialogue, raising the opportunity to generate consensus, plan a predictable horizon and ensure sustainability for the definitive eradication of child labour, forced labour and modern slavery.
394. *Speaking on behalf of GRULAC* a Government representative of Paraguay requested the EU and its Member States to explain the objectives and scope of their amendment. He asked why Alliance 8.7 had been mentioned in subparagraph (e), given that there were other organizations and regional alliances dealing with the topic. Furthermore, he asked for an explanation of the midterm review, which had not been the object of discussion, nor was it referred to in the Declaration. Pledges made by participating countries had been of an entirely voluntary nature.
395. *Speaking on behalf of IMEC*, a Government representative of Canada said that the Declaration could play an important role in raising awareness and encouraging further voluntary action from stakeholders in the fight against child labour and forced labour. He asked the Office for information as to how the Declaration would be integrated into the activities of the IPEC+ flagship programme and to give more details about the request for additional resources. He urged the ILO to continue its work with regional organizations to support their role in accelerating action to combat child labour and forced labour and requested the Office to draw up a summary of the pledges made in Buenos Aires, grouped by themes. The overview could be used for follow-up and to facilitate strategic planning of assistance in order to avoid unnecessary duplication and to promote cooperation. The momentum created in Buenos Aires should not be lost. IMEC supported the draft decision as amended by the EU and its Member States and subamended by the Employers' group.
396. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said her group supported the subamendments made by the Employers' group. She confirmed that the EU's amendment in subparagraph (d) requested the Office, in cooperation with Alliance 8.7, to organize before the next Global Conference a midterm review of the progress made towards the eradication of child labour and forced labour. Alliance 8.7 was put forward so as to ensure coherence of the ILO's actions together with its constituents and its stakeholders.
397. *Speaking on behalf of ASPAG*, a Government representative of Australia supported the draft decision, as amended by the EU and its Member States and subamended by the Employers' group.
398. *A representative of the Director-General* (Deputy Director-General for Policy) explained that the Declaration would inform the IPEC+ Flagship Strategy, but that the two were fully consistent. She acknowledged that the ILO would have to expand its efforts so as to include and support those countries that had made pledges under the Declaration. In terms of resources, it was clear that implementing the Declaration would demand greater resources than were currently available. If the ILO was to be a primary actor, as requested by the Governing Body, then more resources would be required.
399. *A Government representative of Brazil* asked whether there was a common understanding of the themes that the Office would use for grouping the pledges made at the IV Global Conference.
400. *A representative of the Director-General* (Deputy Director-General for Policy) said that the themes would emerge from examination of the 96 pledges themselves.

Decision

401. *The Governing Body:*

- (a) *expresses its gratitude to the Government and the social partners of Argentina for hosting and ensuring the success of the IV Global Conference on the Sustained Eradication of Child Labour;*
- (b) *endorses the Buenos Aires Declaration and requests the Office to support its implementation in conjunction with the ILO Plan of Action for the period 2017–23 to give effect to the conclusions concerning the second recurrent discussion on fundamental principles and rights at work, adopted by the International Labour Conference in June 2017;*
- (c) *reconfirms its commitment to the elimination of child labour and forced labour and requests the Office to continue providing technical assistance to achieve these objectives;*
- (d) *asked the Office to make an overview of the pledges made in Buenos Aires, clustered per theme and/or subject;*
- (e) *requested the Office, in cooperation with the Alliance 8.7, to organize before the Vth Global Conference a mid-term review of the progress made in eliminating child labour and forced labour, and achieving SDG 8.7 in these matters; and*
- (f) *encouraged the General Assembly of the United Nations to declare the year 2021 as International Year for the Elimination of Child Labour.*

(GB.332/POL/3, paragraph 25, as modified by the Board of Directors.)

Development Cooperation Segment

Fourth item on the agenda

ILO South–South and triangular cooperation and decent work: Recent developments and future steps

([GB.332/POL/4](#))

402. *The Employer spokesperson* said that her group supported the strengthening of South–South and triangular cooperation, which was an effective means of peer-learning and capacity development. Increasingly, emerging countries had resources and skills that they were able to share. She welcomed the results of training for ILO staff and constituents on tools and policy guidance in cooperation with the Turin Centre; that training should be further strengthened, mindful of the role and needs of employers’ organizations. The Office should work with the Bureau for Workers’ Activities (ACTRAV) and the Bureau for Employers’ Activities (ACT/EMP) to adopt tailored and measurable plans to build constituents’ capacities. South–South and triangular cooperation programmes could be adapted to specific needs and contexts, and she welcomed the examples given in the

document. South–South and triangular cooperation should be taken into account in the current reform of the United Nations (UN) development system, and any proposals made to the Second High-level United Nations Conference on South–South Cooperation in 2019 (BAPA+40) should reflect the work of the ILO and the role of the social partners. The fact that an expanded South–South and triangular cooperation strategy would benefit the ILO’s development cooperation activities would be discussed as part of the general discussion at the 107th Session (2018) of the International Labour Conference on effective ILO development cooperation in support of the Sustainable Development Goals (SDGs). She supported the draft decision.

- 403.** *The Worker spokesperson* said that the strategic elements of South–South and triangular cooperation should form part of the general discussion at the 107th Session of the International Labour Conference, in order to strengthen the role of the ILO in that regard. South–South and triangular cooperation was about facilitating a different view of cooperation, not in confrontation with the North, but highlighting the perspective from the South to the South, which could have a positive impact on the promotion of decent work. He welcomed efforts to implement the strategy outlined in paragraphs 12–14 of the document, and the measurable results, which included the participation of social partners in regional and national alliances. He appreciated innovative training and capacity building and cooperation with trade unions in the framework of the Global Labour University, as well as the role of the Turin Centre. Workers’ fundamental rights should remain the focus of all South–South cooperation activities, including in countries that had not ratified the ILO’s fundamental Conventions. He welcomed the linkages with the SDGs, and said that the ILO’s approach to South–South and triangular cooperation should be presented to the Second High-level United Nations Conference on South–South Cooperation in 2019 (BAPA+40) and promoted across the UN system. He supported the draft decision.
- 404.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran commended the implementation of the strategy. The role of South–South cooperation was increasingly relevant, in particular with regard to achieving the SDGs, and some countries, mostly in the Asia and Pacific region, were seeking to play a more active role in fostering partnership for development cooperation. South–South and triangular cooperation had proven useful in promoting decent work, sustainable growth and social development; innovative experiences and good practices should be identified and shared. Such cooperation could contribute to advancing effective development cooperation, and thus should be part of the general discussion at the 107th Session of the International Labour Conference. South–South and triangular cooperation should be expanded to advance the Decent Work Agenda. The ILO should also engage with UN inter-agency processes and enhance the multilateral development cooperation system on the matter so as to avoid the duplication of work. He welcomed the South–South and triangular cooperation academy held in 2016. The work of the Turin Centre, and the integration of South–South and triangular cooperation into academies and programmes should be expanded. He supported the draft decision.
- 405.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay expressed her group’s full support for the strategy and noted the particular importance of projects aimed at promoting the Decent Work Agenda through South–South and triangular cooperation. Governments, the social partners, United Nations agencies and non-state actors should play a greater role in that regard. She highlighted examples of such cooperation in the Americas in respect of eradicating child labour and promoting migrant workers’ rights, drawing attention in particular to projects funded by Brazil on combating forced labour in the cotton sector, migration and green jobs. She recognized the role of the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) in strengthening South–South and triangular cooperation and the role it could play in sharing good practices. The ILO should continue to fully support the South–South and triangular cooperation projects, and increase its support, particularly in the areas of labour administration, social

dialogue, youth employment policy, and gender and disability. She supported the draft decision, and reiterated that the ILO's innovative experiences would be valuable when discussing effective development cooperation in support of the SDGs at the 107th Session of the International Labour Conference.

406. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire stressed the importance of South–South and triangular cooperation in effective development cooperation, and the ILO's involvement therein. The Office should continue to strengthen South–South and triangular cooperation in the programme and budget in each biennium, which would facilitate advancement of the Decent Work Agenda through the activities outlined in the document. He recalled the adoption in 2017 of the South–South Cooperation for Decent Work in Africa – Framework for Action, which sought to facilitate the attainment of the 2030 Agenda and the African Union's Agenda 2063. He commended the inclusion of a general discussion on effective ILO development cooperation in support of the SDGs on the agenda of the 107th Session of the International Labour Conference. The group supported all national and regional South–South and triangular cooperation initiatives in Africa and welcomed the nine elements of the proposed expanded South–South and triangular cooperation programme. He urged the Office to find a more effective way to share examples of good practice and expertise with members, particularly in Africa, in order to encourage more interest and engagement from different actors. His group supported the point for decision.
407. *Speaking on behalf of the Community of Portuguese-speaking Countries (CPLP)*, a Government representative of Brazil highlighted several ways in which the Community supported South–South and triangular cooperation, notably as part of a fruitful partnership with the ILO. The results of the strategy were positive and showed that there was potential for further development. The strategic dimension of South–South and triangular cooperation should play a prominent role in helping countries to achieve the SDGs. The extension of strategy during the 2018–19 biennium was important to strengthen the Organization's credentials in the context of increased attention to cooperation in relation to Goal 17 of the 2030 Agenda, the UN reform and the preparations for the Second High-level United Nations Conference on South–South Cooperation in 2019 (BAPA+40). She expressed support for the draft decision and encouraged the other members of the Governing Body to do likewise.
408. Speaking on behalf of her own Government, she expressed her appreciation for the Governing Body's support of South–South cooperation, which was of great importance for Brazil.
409. *A Government representative of Bangladesh* observed that regional cooperation and regional integration created a common platform for developing countries to promote shared prosperity and use resources more effectively, and gave examples of areas in which his Government was ready to share best practices. South–South and triangular cooperation would contribute to achieving the SDGs and the general discussion at the forthcoming session of the Conference would strengthen linkages with other UN development cooperation agencies in that respect. He proposed four additional points for consideration alongside the future steps set out in the document: the implementation of joint projects or programmes for employment and decent work in third southern partner countries, with the participation of northern donors and the promotion of multilateral institutions and southern partners; skill sharing among small and medium-sized enterprises (SMEs) in favour of women entrepreneurs and the improvement of healthcare provision for women; knowledge sharing on disaster management, green job creation and technology for agricultural development and sustainable fishery as well as support for the documentation and dissemination of technological innovations and good labour practices in southern countries. He supported the draft decision.

410. *A Government representative of Indonesia* expressed support for the proposal to expand the South–South and triangular cooperation strategy and noted the continued benefit of the approach that aimed to achieve two outcomes, namely greater awareness and capacity, and wider engagement among constituents and civil society. Decent work should be incorporated into the South–South cooperation programmes within the UN system; to that end, she encouraged the Office to contribute to the Second High-level United Nations Conference on South–South Cooperation in 2019. It was important to discuss the synergy between SDG 8 and SDG 17.9. The Office should strengthen cooperation with regional organizations to address decent work challenges, and notably support implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. South–South technical cooperation was about developing social dialogues and partnerships for development, in addition to providing financial and technical support, and the Office should place emphasis on partnership between Members, social partners, UN agencies and non-state actors, and provide innovative, sustainable funding options during the general discussion on effective development cooperation. She expressed support for the recommendations for future steps.
411. *A Government representative of Nepal* called for increased South–South and triangular cooperation for the effective implementation of the ILO mandate and related SDG goals, while noting that such cooperation was not a substitute for North–South cooperation. The forthcoming general discussion should highlight the issues of decent work, sustainable growth and social development. His Government remained committed to supporting the advancement of the Decent Work Agenda through South–South and triangular cooperation, and was particularly appreciative of the work of the Turin Centre. He supported the draft decision.
412. *A Government representative of China* welcomed the progress made through South–South and triangular cooperation in terms of employment promotion, the expansion of social security and the improvement of labour relations. Noting that China had been a beneficiary as well as a donor of development cooperation, and would continue to support the ILO in that regard, he said that it was important to recall that South–South and triangular cooperation should take place on a voluntary basis for developing countries and not according to preset conditions. He expressed concern regarding ongoing reductions in official development assistance; despite the diversification of resources for international cooperation, that assistance remained the major source of funding for many developing countries. North–South cooperation was still the mainstream of international development cooperation, although South–South cooperation was a useful complement to it. He urged developed countries to keep their pledge to allocate 0.7 per cent of their national income to official development assistance. His country would support ILO’s work in South–South and triangular cooperation, promote the Belt and Road Initiative and cooperate with the ILO in eradicating decent work deficits. His Government supported the draft decision.
413. *A Government representative of Canada* drew attention to the Global Partnership Initiative on effective triangular cooperation, launched during the second High-Level Meeting of the Global Partnership for Effective Development Co-operation in Nairobi in 2016. This multi-stakeholder initiative provided an opportunity to enhance institutional arrangements and better support the 2030 Agenda and the principles of South–South and triangular cooperation. Her country supported the draft decision.
414. *A Government representative of Ecuador* welcomed the strategy and the ILO’s leadership in promoting effective partnerships to broaden South–South and triangular cooperation. She supported the draft decision.
415. *A representative of the Director-General* (Deputy Director-General, Field Operations and Partnerships) said that the Office had taken note of the comments and proposals made, in

particular those regarding the desire to: strengthen and expand South–South and triangular cooperation; increase the involvement of the social partners; make greater use of the Turin Centre and regional centres such as CINTERFOR; and keep in mind that South–South and triangular cooperation would be central to the achievement of the SDGs and the UN reform process.

Decision

416. *The Governing Body requested the Office:*

- (a) *taking into account the recommended future steps outlined in paragraphs 20–22 of document GB.332/POL/4, to further develop the implementation of the South–South and triangular cooperation strategy as stated in the Programme and Budget for 2018–19; and***
- (b) *to consider the initial guidance, provided in the Governing Body discussion on South–South and triangular cooperation, in the forthcoming general discussion on effective development cooperation in support of the Sustainable Development Goals at the 107th Session (2018) of the International Labour Conference.***

(GB.332/POL/4, paragraph 23.)

Fifth item on the agenda

An integrated ILO strategy to address decent work deficits in the tobacco sector

([GB.332/POL/5](#))

- 417.** *The Worker spokesperson* welcomed the shift in focus to an integrated strategy that addressed not only child labour but all the decent work deficits in the sector. In many countries, tobacco workers earned low or poverty wages and were prevented from organizing and bargaining collectively. The ILO’s public–private partnerships (PPPs) clearly failed to address the root cause of child labour in the industry, namely endemic poverty among tobacco farmers. Her group supported the three-pronged strategy proposed in paragraph 30 of the document, but considered that freedom of association and collective bargaining needed to be at the core of the strategy. Other priority areas included the hazardous nature of the work and the urgent need to address poverty wages for adults. The issue of tenancy bills also needed to be addressed in a more effective manner.
- 418.** Her group welcomed the proposed work with tobacco-producing countries on diversification strategies to transition out of the tobacco sector, and on national policies related to wages and occupational safety and health. It was important not only to coordinate policies at the national level, but also at the regional level.
- 419.** The Office had clearly taken the concerns voiced on previous occasions, especially by tobacco-producing countries in the Africa region, into consideration when preparing the document, which offered more to those countries than the current PPPs did. It was important to move forward with the proposed integrated strategy.

420. The role of the tobacco industry in addressing decent work deficits in the sector needed to be strengthened or addressed as a separate component in the integrated strategy. The tobacco industry had to make a commitment to take full responsibility for decent work in the sector, beyond the prevention and eradication of child labour, in line with the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the United Nations (UN) Guiding Principles on Business and Human Rights. The business community and employers and their organizations should stop using suppliers that relied on child labour or did not take sufficient action against it, or that violated other core standards of the ILO.
421. The proposed tripartite meeting to discuss the development and implementation of the strategy should not only be an exchange of good practices, but should develop and underpin the commitment of all stakeholders to address decent work deficits in the short term, and to promote diversification strategies and transition out of the tobacco sector in the medium and long terms. The meeting should be action-oriented and provide recommendations and proposals for actions, or a roadmap for decent work.
422. Given the hazardous nature of the industry, no children under the age of 18 should work in the sector. She agreed on the need to strengthen communities' capacity to identify alternative crops, and emphasized that success would depend on the commitment of other groups, the government, the industry, the social partners and the donor community, in line with the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC).
423. Funding from tobacco companies carried a real risk of conflict of interest that violated the Model Policy for agencies of the UN system on preventing tobacco industry interference that had been developed by the UN Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases. Her group welcomed the clear statement in paragraph 38 of the document that upon expiry of the current PPPs in 2018, the ILO would use funds from the regular budget supplementary account (RBSA) and regular budget technical cooperation (RBTC) to continue working in tobacco-growing areas.
424. Her group supported the proposal in paragraph 39 to pursue a targeted resource mobilization effort. Increasing public funding to the ILO would be a useful contribution to the engagements member States made when they ratified the FCTC. The document presented a reasonable compromise and way forward that would allow the ILO to address decent work deficits in the tobacco sector, avoid abandonment of constituents with projects in the industry, and work on a medium- to long-term strategy for alternative employment opportunities for tobacco workers and growers. The governments of tobacco-producing countries and countries with high rates of consumption should be more actively engaged and fund programmes, invest in alternative employment opportunities and raise awareness among consumers. Her group supported the draft decision.
425. *The Employer spokesperson* requested the Office to share its response to a question from her group as to whether, for the ILO, the term "development partner" included the private sector, and consequently whether the Office would solicit financial support from the tobacco sector if the proposed strategy was approved.
426. *A representative of the Director-General* (Deputy Director-General for Policy) replied that the ILO defined a PPP as a voluntary and collaborative relationship between the ILO and one or more partners, including private and non-State actors, for the purpose of carrying out cooperative activities of mutual interest. The integrated strategy called for a transition from a funding base of mainly industry donors to one supported by a broad coalition of development partners supportive of the wider objectives of the integrated strategy and international development goals. If the Governing Body approved the integrated strategy,

the Office would seek to develop a diverse group of partners, but in the light of UN policies, would not solicit funding from the tobacco industry.

427. *The Employer spokesperson* stated that the Governing Body's decision on cooperation with the tobacco industry would set a precedent reaching far beyond the tobacco sector. The Employers' group supported the three aspects of the draft integrated strategy: promoting an enabling policy environment for decent work in tobacco-growing countries, which should explicitly address the need for formalization; strengthening social dialogue; and promoting both decent work and the transition to alternative livelihoods for tobacco-growing communities. The last point would be a long-term and challenging process, particularly in countries that relied heavily on the tobacco industry for jobs, incomes and export earnings, and must also be led by the countries themselves. The Employers' group considered that the strategy already took account of the obligations of FCTC signatories, as no ILO activities addressed public health policies related to tobacco control.
428. However, the Employers' group did not support the resources and implementation modalities of the strategy, which reopened the debate on funding from the tobacco sector. The result would be an end to all partnerships with the tobacco sector and a de facto ban on future partnerships, thereby violating the principle that the ILO must be able to cooperate with all legal sectors. The proposed modalities undermined the almost unanimous support among constituents for resource mobilization that combined domestic funding with development cooperation funds from a broad variety of sources, to which the Office document did not refer. The Employer' group opposed the proposals to use RBSA and RBTC funds after the expiry of the current PPPs in 2018 and to replace broad, long-term resource mobilization with targeted resource mobilization. The private sector had been omitted from the call for development partners, which the Office should rectify. She asked how wider ILO action in the tobacco sector to address areas such as social dialogue and formalization would be funded if the existing funds of US\$15 million, which covered only action to eliminate child labour, were simply replaced. The list of UN agencies that had explicitly prohibited receipt of funding from the tobacco industry was unconnected to the argument, divisive and unbalanced, as it omitted both the significant number of organizations that had not imposed such prohibitions and the existing national and international PPPs with the tobacco sector.
429. ILO cooperation with the tobacco industry was crucial for several reasons. First, the Office could not design discriminatory policies against one legal business sector but not others that were associated with social and environmental risks. Ending cooperation would also impede fulfilment of the commitments made under the 2030 Agenda, which called for ambitious partnerships specifically with the private sector and for the elimination of the worst forms of child labour by 2025. Additionally, the Buenos Aires Declaration promoted collaborative efforts by all stakeholders to eliminate child labour and forced labour, hence the Office could not be selective in its cooperation with industries. Second, the ILO's mandate to promote fundamental principles and rights at work was just as important as the role of the WHO and national public health authorities in promoting policies on tobacco control; livelihoods were also at stake, since other forms of employment would not entirely replace work in the tobacco sector. Third, funding from the tobacco industry had been instrumental in reducing child labour and forced labour in various countries; the short-term funding strategy proposed by the Office would not replace those funds, which should instead be expanded. Fourth, ILO estimates showed that child labour was rising in sub-Saharan Africa, therefore short-term strategies for eliminating child labour were inadequate. PPPs were critical to ensuring real progress in the elimination of child labour in Africa. Fifth, it was inconsistent for governments to object to financial contributions from the tobacco industry when they themselves received significant funds from the tobacco industry through fiscal revenues. Sixth, ILO cooperation with the tobacco industry did not fall under the FCTC, which was never intended to be applied beyond the area of public health policies related to tobacco control. Lastly, the ILO was not bound by the Model Policy, or United Nations Economic

and Social Council (ECOSOC) resolution E/RES/2017/8, which provided that UN agencies could determine the most appropriate policy approach.

- 430.** The ILO had a duty to pursue its services and programmes and had a current revenue source to fund its work. However, the integrated strategy proposed replacing that secure source with the Office's financial reserves. The Employers' group asked from which other areas funds would be diverted as a result. The Employers' group fully supported the work of the WHO and the FCTC secretariat and was willing to collaborate with them. However, they must refrain from inappropriate actions to lobby constituents, attempting to influence Governing Body decisions and using social media to interpret the Office document.
- 431.** The Employers' group was open to discussion aimed at preventing interference from the tobacco industry by channelling existing funding from the industry through a trust fund or similar mechanism, but it could not accept the proposed approach relating to resources and implementation modalities. Therefore, the Employers' group proposed amending the draft decision to add "presented in paragraphs 29–34" after "welcomes the integrated strategy for decent work in the tobacco sector" and to delete "including the strategy for short-term funding and long-term partnership development" from subparagraph (a).
- 432.** *The Chairperson*, responding to a question from the Employers' group on the distribution of leaflets by observers calling on the ILO to end cooperation with the tobacco industry, stated that established practice required any person wishing to distribute material to obtain permission from the Chairperson. As he had received no such requests, the distribution must cease.
- 433.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that, as the ILO was a specialized agency of the UN, its organs were free to discuss and depart from any recommendations of the UN General Assembly and ECOSOC, including the Model Policy, as and when required by the ILO mandate.
- 434.** The Africa group considered that its views and those of other like-minded partners had not been taken into account in the Office document, nor did the document meet the criteria of a strategy, with clear goals and analysis-based interventions. At a minimum, the proposed strategy should have included a rapid assessment of decent work deficits in the tobacco industry in the countries concerned, information on the implications of the ILO's termination of cooperation with the industry and the cost of strategic actions. The rapid assessment should have included visits to Brazil, Malawi, the United Republic of Tanzania, Uganda and Zambia, and consultations with workers, employers, governments, community leaders and children. The Office had not consulted the relevant governments, yet acknowledged that national public resources would be critical to realizing decent work. Moreover, it had proposed alternative livelihoods for those in tobacco-growing communities without visiting the tobacco-growing areas and consulting with stakeholders. Therefore, the group could not accept the measures presented in the document as a strategy. Furthermore, some of the ILO publications used in the document dated from 2003, and the external validity of more recent studies was questionable. As the most recent studies had been carried out in only two districts, one in Malawi and the other in Zambia, it was impossible to draw conclusions about the current nature and magnitude of the problem in the five countries concerned.
- 435.** There were also aspects that the document had not considered, such as the impact of the decision on the children involved. Under the UN Convention on the Rights of the Child, the best interests of the children concerned should be a primary consideration in decisions affecting them. He asked whether the Office had undertaken an evaluation of the impact of the decision to sever ties with the tobacco industry on children involved in or removed from child labour, and whether the Office had any evidence that such a decision was in the best interests of the children.

436. With regard to funding, it was impossible to take decisions on the budget without at least a rapid in situ assessment of the problem. Given that the Office had stated in its document to the 331st Session³ that efforts to raise additional public and other funds for the elimination of child labour in tobacco-growing areas had been unsuccessful since 2013, he asked whether the situation had changed. Further, it was well known that RBTC and RBSA resources were insufficient to ensure sustainability.
437. The Africa group maintained its position that the ILO should continue its cooperation with the tobacco industry to promote decent work in the agriculture sector, including receiving funds from the industry, but would require more relevant information to be able to take an informed decision. Accordingly, the group proposed that the draft decision should be amended to read: “The Governing Body defers the decision on this matter to the 337th Session in October–November 2019 and directs the Office to develop and present to the same session a comprehensive evidence-based strategy addressing child labour and other decent work deficits in the tobacco sector.”
438. *Speaking on behalf of ASPAG*, a Government representative of Australia said that it was critical for the ILO to continue its work to prevent and eliminate child labour within the tobacco industry. She supported the planned use of funds from the regular budget for work in tobacco-growing areas after the expiry of the existing PPPs, and the proposed resource mobilization efforts to attract development partners to fund the integrated strategy. Transparency on funding partners should continue. She requested the Office to provide the Governing Body with details of the extent of child labour in the tobacco industry. ASPAG supported the draft decision.
439. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: Montenegro, Bosnia and Herzegovina, and Norway. The integrated strategy was a step towards a holistic, long-term approach to addressing decent work deficits in the tobacco sector, which should also be tackled through action on all the strategic objectives of the Decent Work Agenda. The focus on promoting an enabling environment for decent work in tobacco-growing countries was extremely important. Policies to address decent work deficits and to link such work to other areas beyond child labour would require enhanced coordination and robust social dialogue with workers, employers and governments. Reorientation to broaden the ILO’s work in the sector and a coalition of development partners would be needed. The EU and its Member States supported the Office’s proposal not to renew existing PPPs with the tobacco industry and instead to use funds from the RBSA – to which the majority of contributors were EU Member States – and the regular budget on an interim basis. That would ensure continuity of support for vulnerable workers during the longer-term transition outlined in the strategy. The EU and its Member States would work with the Office to pursue partnerships with international agencies and development banks and domestic development agencies to help realize decent work in tobacco-growing areas.
440. The EU and its Member States supported the original draft decision and encouraged other constituents to lend their support, since the Office’s proposal responded to the needs and concerns expressed over funding while also addressing decent work deficits in the tobacco sector. They could not support the two amendments proposed to the draft decision. The amendment by the Africa group required the development of a strategy on decent work deficits in the tobacco industry, whereas the Office had just presented such a strategy for approval and there was therefore no reason to delay work on the issue. The proposal by the Employers’ group was incomplete, as it did not address the key issue of funding.

³ GB.331/POL/5.

441. *Speaking on behalf of the Southern African Development Community (SADC)*, a Government representative of Swaziland said that the SADC aligned itself with the statement of the Africa group. The SADC continued to facilitate inclusive economic growth in any legal sector of the economy. She noted the importance of the tobacco industry in income generation and employment in the Southern Africa region, particularly for vulnerable social groups, and the role played by the ILO and its member States in ensuring decent work in the industry. At its meeting of Ministers of Employment and Labour and Social Partners in March 2018, the SADC had unreservedly reaffirmed its position that the ILO should continue its cooperation with the tobacco industry to address decent work deficits in the agricultural sector, including the elimination of child labour, and should continue to accept funding for tobacco-related programmes.
442. *A Government representative of Peru* said that his country was committed to implementation of the FCTC; consistency was needed across the international forums dedicated to the topic. Appropriate implementation of the ECOSOC resolution would require the ILO to end industry financing of projects to eradicate child and forced labour. He welcomed the integrated strategy, although some aspects required further development. He expressed support for the use of RBSA and RBTC funds in the transition to a targeted approach for sustained funding from a coalition of development partners in the longer term, and endorsed the draft decision.
443. *A Government representative of the United States* said that her country would support an integrated approach to addressing decent work in the tobacco sector more broadly by addressing relevant issues beyond child labour and forced labour. Strong constituent support and the continued inclusion of employers and workers as key constituents would be needed for the shift to a broader programme approach. Existing PPPs should continue until their expiry. There was no need for the ILO to turn down future funding from the tobacco industry – a legal industry – to implement a broader strategy on the tobacco sector, since it was appropriate for the industry itself to be part of the solution. She did not consider that ILO partnerships with the tobacco industry conflicted with the Organization’s role in the UN system, and the Model Policy was non-binding. As a prohibition on ILO partnerships with the industry would not advance efforts on decent work or non-communicable diseases, she welcomed the fact that the document did not preclude future engagement with the tobacco industry.
444. With respect to the use of regular budget funds to continue work in tobacco-growing areas, she asked how much was needed to cover those efforts and which other activities would be eliminated as a result. She expressed doubts about the proposed tripartite global meeting on decent work in tobacco-growing communities, and requested information on the proposed participants, anticipated outcomes, relationship to the work of the Governing Body and its potential cost and source of funding. Endorsement of the integrated strategy would not indicate endorsement of the proposed tripartite global meeting. She reserved judgement on the draft decision until later in the discussion.
445. *A Government representative of Lesotho* emphasized the importance of tripartism at the ILO, which meant that the tobacco industry remained part of the Organization’s business constituency. The existing PPPs had had a documented positive effect on the elimination of child labour, which would be reversed if that financial support was withdrawn without the introduction of alternative forms of funding. The best interest of the child was of paramount importance. Although the Africa group had stated that successful implementation of an integrated strategy would require engagement in PPPs with the tobacco industry, that view had not been incorporated in the strategy presented to the Governing Body. Alternative livelihoods were a development issue that was the responsibility of member States; careful impact analysis was needed to find viable alternatives to tobacco before discussion of the issue. She expressed serious reservations about supporting the implementation of an

integrated strategy to address decent work deficits in the tobacco sector that excluded the key stakeholder, the tobacco industry itself.

446. *A Government representative of India* said that the ILO must play a significant role in increasing efforts to eradicate child labour in the tobacco sector. At recent tripartite consultations held in India, most employers' and workers' organizations supported the discontinuance of PPPs between the ILO and the tobacco industry. The search for alternative funds must not weaken ILO intervention in the tobacco sector, which was important in tackling decent work deficits. Moreover, the ILO must be governed by its own mandate and guidelines, including those on choosing partners, and not by the mandate of other international bodies. Her Government supported the draft decision.
447. *A Government representative of Namibia* expressed concern at the lack of tangible, sustainable ways to obtain alternative funding for child labour eradication programmes in the integrated strategy. Noting that Zambia was cited at the 106th Session of the International Labour Conference in 2017 for failing to do enough to address child labour in the tobacco sector, she pointed out that the Office had failed to provide the promised technical support. Current partnerships with the tobacco industry must continue beyond the lifespan of present projects in an effort to promote research and development and eradicate child labour.
448. *A Government representative of Myanmar* said that the ILO's three-pronged integrated strategy was progressive, pragmatic and visible, and would address immediate, short- and long-term challenges. His Government welcomed the proposal to use funds from the RBSA, as well as to pursue alternative resource mobilization possibilities. The strategy would help efforts to eliminate child labour in tobacco-growing areas and be a catalyst for achieving the SDGs. His Government supported the draft decision.
449. *A Government representative of Nigeria* said that efforts to promote decent work in the industry required substantial funding. His Government did not oppose ILO partnerships with the tobacco industry, but they must be mutually reinforcing and complementary. It was also important that the tobacco industry did not influence tobacco-control efforts. Governments, together with the ILO, had a responsibility to fight jointly against child and forced labour in the tobacco industry. They should impose higher taxes on tobacco to raise alternative funding for decent work initiatives in conjunction with the ILO, which could also approach other credible donor agencies for financial support.
450. His Government welcomed the first two prongs of the strategy, but could not accept the third prong, particularly the section on transitioning to alternative livelihoods. The tobacco industry was a legitimate business, and it was unacceptable to ask people to leave it for other areas where economic and environmental variables were unknown, potentially plunging them into deeper levels of poverty. Such a transition ran counter to the principle of natural economic justice and marked a shift from a sustainable economic activity to a non-sustainable one. The strategy must include the ratification of the relevant labour standards, transferral into domestic legislation, application, supervision and reporting, and must be implemented with the engagement of the social partners.
451. Since the document, and in particular the draft decision, did not propose an acceptable, comprehensive strategy, the Government of Nigeria wished to defer the item to another Governing Body session. That would give the Office time to draft another document and for further consultations to be held with stakeholders.
452. *A Government representative of Canada* welcomed the broadened approach of the strategy and the focus on developing capacities to transition to alternative livelihoods. She encouraged the ILO to work with other UN agencies, including the Food and Agriculture Organization (FAO), in that regard. The ILO should continue its technical activities in the

sector, grounded in the wider objectives of the integrated strategy and international development goals, and engage actively in resource mobilization efforts. A draft decision expressly committing the Office not to accept funding from the tobacco industry and referencing the Model Policy would have been preferable. However, in the spirit of compromise, her Government could support the original draft decision. It could not accept either of the proposed amendments to the draft decision.

453. *A Government representative of Ecuador*, welcoming the ILO's decision to fund projects in the short term, said that the transition period, in addition to allowing time for alternatives to be found, would ensure the strengthening and sustainability of the Decent Work Programme. Her Government saw the integrated strategy as a way to bring an end to all financial links between the ILO and the tobacco industry. It would require strengthening alliances to create a coalition of development partners to secure the necessary financing for current projects to continue fighting for the eradication of child labour and forced labour. International intergovernmental bodies must also work together to prevent interference from the tobacco industry. The Model Policy was mandatory for ILO member States that had ratified the FCTC, obliging them to ensure that financial links between the ILO and the tobacco sector were severed. She called on member States that had not yet ratified the FCTC to do so in order to strengthen and promote policy coherence among UN system organizations. The Government of Ecuador supported the original draft decision, but not the amendments proposed by the Employers' group and the Africa group.
454. *A Government representative of Uruguay* said that the document was a positive first step towards addressing the issues at stake, and her Government supported the draft decision. Particularly welcome was the recognition of the need to provide workers in the tobacco sector with alternatives to enable them to improve the quality of their lives and that of their families. However, her Government expressed concern at the unclear position of the ILO on compliance with the UN system common policies on the tobacco industry; there must be policy coherence throughout the system. The Office had not provided clear alternative long-term funding options for child labour eradication programmes, nor had it specified its stance on the Model Policy. Although her Government supported the proposal for the ILO to use its regular budget in the short term to fund the programmes, it was of utmost importance to find robust, sustainable alternatives. It was also concerned that finding a resolution to the issue had been repeatedly postponed, which had an impact on the legitimacy, coherence and prestige of the ILO within the UN system.
455. *A Government representative of Brazil* said that his country had a leading role in the FCTC negotiations, being one of the first countries to ratify that instrument and remaining committed to its values and implementation. Noting that the tobacco industry had a significant economic and employment impact in specific regions of his country, he added that ILO projects funded by PPPs with this industry in Brazil had enjoyed positive tripartite evaluation. According to Brazil, different views and legitimate concerns had been expressed in the past months by a broad and representative set of players, suggesting it was time to engage constructively in negotiations towards a balanced and lasting way forward. His Government appreciated the efforts of the Office to differentiate between short- and long-term approaches. In the short term, the ILO was right not to interrupt the flow of funds for existing programmes by using funds from the RBSA to cover immediate needs. In the long term, his Government supported building a broad coalition of development partners, including other UN agencies and international economic institutions. Such a coalition would allow for innovative financial tools to be designed with the possible use of private resources, while safeguarding against any undue interference by ensuring that partnerships with the private sector were strictly and robustly controlled. Brazil undertook to continue its long-standing efforts to eradicate child labour in the tobacco sector and improve the quality of life of rural workers and their families. The Government of Brazil saw value in the draft

decision as a possible way towards building consensus and was ready to discuss it in more depth.

- 456.** *Speaking on behalf of the Central African Economic and Monetary Community (CEMAC)*, the Government representative of Cameroon, supporting the views expressed by the representative of the Africa group, said that an integrated strategy was necessary to address the decent work deficits in the tobacco sector.
- 457.** *A Government representative of China* said that the UN system must ensure that its activities were free of interference from the tobacco industry. His Government supported a number of policies and instruments in that regard, including the FCTC. However, he emphasized that the tobacco industry was a legitimate industry of crucial importance to the Chinese economy. Addressing decent work deficits in the tobacco sector should be a priority for the ILO. His Government therefore welcomed the integrated strategy, particularly the emphasis on an enabling policy environment and social dialogue. He supported the proposal to continue project funding in the short term through the RBSA. The Office should seek partnerships with other organizations, including the World Bank, to mobilize resources in order to continue supporting projects in developing countries, especially in Africa.
- 458.** *A representative of the World Health Organization (WHO)* said that, as decent work deficits in the tobacco sector must be addressed through an integrated strategy, the WHO had been working closely with the ILO to protect the interests of tobacco growers and workers throughout the production chain. Child labour must be eliminated everywhere. Nevertheless, the FCTC did not recognize the tobacco industry as having a legitimate role to play; the tobacco industry was part of the problem, not part of the solution. The FCTC had been negotiated precisely because the tobacco industry had a long history of promoting its own interests to the detriment of consumers, governments and workers. Some 174 ILO member States were bound by the treaty, and the remaining 13 were invited to adhere to it.
- 459.** The action under way with respect to the tobacco industry's funding to the ILO would not set a precedent for other industries. The FCTC implementation guidelines clearly stated that partnerships with the tobacco industry must be rejected. Around the world, tobacco was regulated by governments in a unique way. Aside from being a health issue, it posed a threat to the environment and, ultimately, a barrier to national sustainable development. Policy coherence was therefore required. She called on the Governing Body to give equal prominence to the obligations of the FCTC as to the obligations of other international treaties.
- 460.** The WHO and the FCTC secretariat remained at the ILO's disposal to advance the agenda in a constructive way, and looked forward to working with other UN agencies and civil society partners to promote decent working conditions for all and alternative livelihoods to tobacco growing.
- 461.** *A Government representative of Kazakhstan* expressed concern about information given in footnote 26 of the document, which cited as an example migrant workers in the tobacco sector in Kazakhstan having had their passports confiscated and being obliged by employers to work without pay. The Government of Kazakhstan had been working collaboratively on the implementation of a comprehensive programme to eliminate child labour and provide decent working conditions on tobacco farms, which included providing assistance to migrant workers and educating tobacco farmers on how to cultivate alternative crops. As the example cited in the footnote did not reflect the real situation in his country, he requested that it be removed.
- 462.** *The Worker spokesperson* said that a distinction must be drawn between cooperating and accepting funding. There was consensus among the constituents that cooperation with the

tobacco sector to promote decent work was necessary. The Workers' group wished to move forward by including the sector in efforts to improve wages and working conditions and abolish child labour. She expressed surprise that the Employers' group had not used the opportunity to speak of its strong commitment to improving the decent work profile of the sector. The Africa group and the unions in various countries had reported that enormous challenges to reducing the decent work deficit remained.

463. The ILO was, in her view, very committed to the protection of children and the abolition of child labour. The development of an integrated strategy was, in itself, an acknowledgement that child labour in the tobacco sector must be addressed from a broader perspective. She welcomed the Employers' approval of all paragraphs up to paragraph 35. It was her understanding that the tripartite meeting mentioned in paragraph 33 was intended to feed further development of the integrated strategy by allowing for consultations with experts from the regions, groups, employers and workers in the sector. She urged the Africa group to heed the United States' call to specify the kind of tripartite meeting envisaged.
464. Recalling the comments made by the Government representative of Brazil, she wondered whether there might be a way to secure private funding while also safeguarding against undue interference. It was essential to find means of funding that were consistent with the FCTC. The concerns expressed by the Africa region at the November 2017 session of the Governing Body with regard to the discontinuation of projects had been adequately addressed because what would replace those projects represented a much broader commitment. The current issue was how to secure not only short-term but also long-term funding. She had heard broad support for the integrated strategy, and her group's preference would be for the outstanding issues and concerns regarding funding to be resolved during the current session.
465. *A Government representative of Zambia* said that the idea of dispensing with projects that helped children in exchange for a promissory note was deeply saddening and unacceptable. The statement delivered by Uganda had made it clear that issues of child welfare took precedence over other issues. However, no assessment had been made to determine how the Governing Body's decision would affect children, and the issue of funding was still unresolved. In such a context, it was entirely inappropriate to withdraw existing support. Tobacco was a product legally grown and sold. Zambia was a signatory to the FCTC and aware of the evils of tobacco. However, if the support to children ended in 2018, their fate was unclear. It was doubtful whether the stakeholders talking about Zambia had ever visited the country to see the extent of child labour within its borders. He entreated the Office to send teams to Zambia to hold wider tripartite consultations on the matter in order to truly understand the issues at stake, particularly within the countries affected.
466. *The Employer spokesperson* underscored that her group was indeed committed to improving conditions of work, including in the tobacco sector, and observed that the constituents seemed as divided as ever over the issue of funding. The Employers' group had stated several times that the tobacco industry was legal and should be allowed to play its role in funding and all other initiatives to address the decent work deficits in the sector. Furthermore, there had been no consensus on the integrated strategy. Many tobacco-growing nations had rejected it, bemoaning the fact that they had not been consulted. The lack of consultation should be remedied by ILO visits to countries such as Zambia, the United Republic of Tanzania and Malawi to see the extent to which the situation described in the document reflected the situation on the ground.
467. Considerable work had already been carried out to address the issue of decent work deficits. The ILO could not dismiss a whole industry and merely tell workers that they would be given alternative livelihoods without consultation. She welcomed proposals by other Members to look at alternative ways of managing funding from the tobacco industry so as

to address the issue of interference. Her group was also open to addressing that issue and, crucially, did not wish to lock out a legitimate sector on the basis of prejudices that did not necessarily hold water.

- 468.** Having listened carefully to what many African governments and others had said, she was inclined to support the amendments to the draft decision proposed by the Government group. Her group also had its own proposal, and would like more time for consultations in order to agree on a harmonized position.
- 469.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the discussion had been triggered by the development of a UN Ad Hoc Inter-Agency Task Force on Tobacco Control model policy on tobacco control and the adoption of an ECOSOC resolution encouraging members of the Inter-Agency Task Force to develop and implement their own policies on preventing tobacco industry interference according to their mandate, keeping in mind the Model Policy for agencies of the UN system on preventing tobacco industry interference to ensure consistent and effective separation between the UN system and the tobacco industry. The ILO was not obliged to adopt any policy on the matter. It was, however, obliged to bring the Model Policy and related issues to the Governing Body for its consideration under the Agreement between the UN and the ILO, which allowed it to submit formal ECOSOC recommendations to the Governing Body for its consideration and to notify the UN of any action taken; the Governing Body's obligation was to consider those recommendations.
- 470.** The non-binding principles underpinning the Model Policy included the principle that members of the UN system should work together to ensure its separation from the tobacco industry in order to preserve its integrity and reputation in promoting development, and reject partnerships with the tobacco industry. The document before the Governing Body was the product of constructive tripartite discussions held with a view to formulating an integrated strategy to address decent work deficits that would guide the Office's work. Constituents had initially reacted positively to the basic principles of an integrated strategy that would drive the development of the ILO's partnership strategy. The Governing Body had requested a short- and long-term strategy, the former including guidance on PPPs because they would expire starting in 2018. The issue of funding had been included in the document because tripartite members had not provided feedback on funding in previous consultations.
- 471.** The document did not suggest that the ILO would abandon the tobacco sector or its work on child labour in the tobacco sector, or that the Office would ban tobacco sector funding or sever its ties with the sector. The participation of tripartite partners was a prerequisite for progress. Some aspects of the integrated strategy proposed in the document had not received support from some governments. Shortcomings in the data presented as part of the integrated strategy were due to difficulties measuring child labour in the sector, which would require additional time and resources. Furthermore, during the period available to the ILO to develop the strategy, ILO officials had not visited some of the countries involved, relying on country offices to provide updated information.
- 472.** The document explored ways to move forward after the expiration of PPPs in 2018–19, in particular by bridging the US\$2 million funding gap with contributions from the RBSA (US\$1.5 million) and the regular budget for technical cooperation (US\$500,000) for a one-year period. The Office would report back to the Governing Body on the issue in 2019; however, that proposal would not entail a shift in priorities since funding allocations had not yet been finalized for the biennium. If the Governing Body accepted the draft decision, the Office would immediately seek support from a range of public and private development partners, although it would not solicit funding from the tobacco sector at that point. Such an arrangement would not violate ILO policy on PPPs. The ILO was currently working with

several industries to eliminate child labour and address fundamental principles and rights at work without soliciting or receiving funds from the sectors involved. It would not rule out working with the tobacco industry since employers were an essential partner in tripartite action. The integrated strategy should provide space for robust tripartite dialogue on decent work deficits in the sector. As noted by the Africa group, involving the tobacco industry would help the ILO gain insight into the issue.

473. Alternative livelihoods fell within the ILO's remit of working towards full employment in decent working conditions. At the country level, the Organization worked on alternative livelihoods when agreed with governments and the social partners. The *Guidelines for a just transition towards environmentally sustainable economies and societies for all* indicated that alternative livelihoods were crucial to progress towards a carbon-neutral environment. Work at the country level to advance structural transformation often involved improving livelihoods, which required collaborative projects with tripartite partners to support the development of economic sectors. The ILO was currently working with Zambia to develop its national action plan on child labour and would continue to do so. The question of whether the ILO could act consistently with the FCTC and accept money from the tobacco sector would require consideration of the ILO's mandate, the obligations of member States parties to the Convention, certain non-binding principles in the Model Policy and the tripartite development of a mechanism on tobacco control.

474. *The Director-General* said that the debate had been encouraging and that dialogue had developed since the previous discussion of the issue, with possible progress on the horizon. Acknowledging the Governing Body's concerns about the continued lack of consensus, it would be important to reach agreement at the present meeting. Although the ILO was not bound by the FCTC, the Office had responsibilities to the UN system and should work towards cohesion and consistency in that regard where possible. Red lines and reluctance to compromise were obstacles to tripartism, but constituents were making progress and would have the opportunity to review their own positions and the perspectives of other members during the present session. All but 13 member States had assumed obligations under the FCTC, including all African governments, and the ILO had obligations to tobacco industry workers. He expressed surprise that the integrated strategy had received criticism at the meeting in view of the strong support it had initially received from the Governing Body, which had said it would signify progress and commitment to the tobacco sector. The ILO could do nothing without funding; however, discussion on that issue should have concluded at the previous Governing Body session. Reconciling the Office's responsibilities to the UN system with its commitments to decent work in the tobacco sector would be key to achieving consensus and would require the best efforts of constituents and the Office.

475. *The decision was deferred to a future session of the Governing Body.*

Multinational Enterprises Segment

Sixth item on the agenda

Review of the MNE Declaration follow-up mechanism comprising promotional activities and an information-gathering system (GB.332/POL/6)

476. *The Employer spokesperson* restated her group's support for the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

(MNE Declaration), mirroring the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises* and thus enabling businesses to understand their responsibilities in a coherent manner. The Employers welcomed the Office's efforts to promote the MNE Declaration, which included translating the Declaration into nine languages, launching a new informational website and maintaining the ILO Helpdesk. She highlighted the Employers' own initiatives in promoting the Declaration during the Tenth European Regional Meeting and the 2017 Annual UN Forum on Business and Human Rights, where the IOE had hosted a panel on how multinational enterprises could encourage the remediation of human rights abuses by their business partners, using the MNE Declaration as the hook. However, the Employers had concerns about the Office's use in the document of the term "mechanism" to describe its follow-up activities, as neither the Governing Body nor the ad hoc group reviewing the Declaration had requested a mechanism. While her group supported the Office's promotional activities of the Declaration, it did not support the creation of a fixed mechanism that could result in misinterpretation of the Declaration and its operational tools.

477. The emphasis on national focal points also gave cause for concern as they were intended merely to promote the use of the Declaration at the national level following a tripartite appointment, not imposed by the ILO. There might be other tools and mechanisms at the national level to promote the Declaration. Moreover, the focal points were not dispute settlement mechanisms; the term "national focal point" was designated in the Declaration using lower-case letters specifically to avoid confusion with official bodies such as the OECD's National Contact Points. It was not the Office's role to push States to establish national focal points as the only means of promoting the Declaration. The Office should not promote the Declaration as a grievance mechanism towards the Tokyo Organising Committee of the Olympic and Paralympic Games. The Employers strongly opposed any activity or meeting that singled out national focal points as the sole or default method for promoting the Declaration and objected to the use of the term "national focal points" in the Office's future questionnaire. Instead, the Office should give equal attention to all means of promoting the Declaration.
478. With regard to company–union dialogue, the Declaration clearly set forth the purpose and form of such discussions and the ILO's role in that regard. The speaker expressed frustration that the document also referred to those discussions as a "mechanism" in paragraph 16, when the ad hoc working group had deliberately referred to them as a promotional "tool". She called on the Office to make its language consistent with that of the revised Declaration. If no requests for company–union dialogue facilitation had been received, that was perhaps because companies and unions were using other forums for discussion. The ILO should not assume that it was the only entity able to foster such dialogue. The option for company–union dialogue existed but was voluntary.
479. The Employers' group would continue to support promotion of the Declaration in ways that were practical for business and faithful to the instrument's principles. However, the Office must take note of the concerns raised and ensure that all promotional activities respected the Organization's tripartite nature and the existing consensus on the instrument.
480. *The Worker spokesperson* said that the original aim of the agenda item had been for the Governing Body to assess the results of the regional-level surveys and discussions during the past four Regional Meetings and provide further guidance for the next cycle of Regional Meetings starting in 2018. A second assessment would be made through a global meeting. Since the review under discussion did not reflect that, he wished to know when the global meeting would take place. While Governing Body discussions on the MNE Declaration were useful, the ILO should follow the example of the OECD and the Office of the United Nations High Commissioner for Human Rights by providing a global forum to discuss the way forward and prompt a renewed sense of commitment to the instrument.

- 481.** The Workers' group welcomed the detailed review of the Declaration's follow-up mechanism, presenting a comprehensive and coherent set of tools to promote the Declaration and its principles as an important contribution to the 2030 Agenda and the challenges of the future of work. The Turin Centre should remain a centre of excellence for capacity building, both in Turin and in the field, and through online tools such as the e-learning and interactive website. Any future joint training activities with the World Association of Investment Promotion Agencies should be on a tripartite basis and training should be aimed at national decision-makers in charge of economic development and trade, in addition to ILO constituents. The ILO Helpdesk continued to be useful, and its questions and answers section should be translated into more languages through collaboration with more ILO Offices. There should be close collaboration with ACTRAV and ACT/EMP in the new development cooperation projects outlined in paragraph 11 of the document.
- 482.** The best way to promote the Declaration was at the country level and in synergy with DWCPs. However, to date only two member States had established national focal points. The Office should make more efforts to promote their establishment by providing information to constituents. Members of the Governing Body should be the first to commit to a safe, positive, tripartite approach. However, promotion did not stop at the country level but should also occur more across countries in order to guarantee implementation along supply chains. That would entail placing greater emphasis on the home countries of multinational enterprises, as well as on national tripartite-plus dialogue platforms and their expansion to a greater number of sectors and countries, especially in Asia and Arab States. The Workers' group highly valued the home-host country dialogues and would like the Office to organize a Regional Meeting.
- 483.** It would be essential to involve the tripartite constituents in existing and future collaboration with other international and intergovernmental organizations. Developments regarding the UN Global Compact would require further discussion, as there could be repercussions for the ILO's activities, mandate and constituency. The Workers' group expected the Office to develop materials on due diligence as defined in the Declaration, in addition to the existing OECD guidance. The Office should also seize opportunities to promote the Declaration with other organizations and the Workers' group welcomed further consultation and collaboration on that matter.
- 484.** The Workers' group considered the regional follow-up to be a useful exercise and believed that regional experiences should find their way to the global level. Follow-up plans should be developed in consultation with the social partners. The American Regional Meeting in 2018 could offer an excellent opportunity to start promotion of the Declaration with more regional entities, such as the Inter-American Development Bank.
- 485.** The Workers considered company–union dialogue to be an important means of putting the MNE Declaration into effect. The Office should make greater efforts to promote that mechanism and develop procedures and a list of facilitators to encourage its use. His group also supported exploring new avenues for statistical data gathering, as well as improving synergies across the Office in promotion of the Declaration, including in the text of public–private partnerships and in keeping social dialogue at the heart of the Declaration. His group supported the draft decision.
- 486.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia commended the Office on the new translations, website, e-learning module and training activities and welcomed developments on country-level assistance and engagement with international organizations. In light of the comparatively low survey response rate from the Africa region and the relevance of the instrument in relation to foreign direct investment and global supply chains, the Office should increase its engagement and support on the Declaration in that region. The ILO should step up its cooperation with relevant international

and intergovernmental organizations to harmonize the implementation of the Declaration with other similar instruments. His group supported the draft decision.

- 487.** *Speaking on behalf of IMEC*, a Government representative of Germany said that her group considered the Declaration to be a very important instrument complementing the UN Guiding Principles and the *OECD Guidelines for Multinational Enterprises*. The operational tools were vehicles through which change could be promoted and greater awareness should be raised for the company–union dialogue. Office efforts to promote the revised MNE Declaration were welcome, such as the new website on the Declaration and the ILO Helpdesk. The Office was encouraged to make further use of innovative tools that could attract a broader public, such as distance- and online-learning courses and webinars on the core elements of due diligence. The most popular feature of the Helpdesk – the question and answer section – showed that there was high demand for issues of practical application.
- 488.** IMEC welcomed the Office’s country-level assistance linking the promotion of the Declaration closely with national decent work priorities, as well as the projects on responsible supply chains in a number of countries in Asia. The Office was encouraged to develop partnerships in other countries and to promote the implementation of the due diligence approach, especially with constituents and specific programmes implementing the Declaration along supply chains, such as the Better Work and the Sustaining Competitive and Responsible Enterprises (SCORE) programmes. The appointment of national focal points was supported where similar tools and processes, such as the OECD National Contact Point, were not in place. IMEC appreciated that the Office worked closely together with other relevant international and intergovernmental organizations when implementing and helping to implement the principles enshrined in the Declaration. In its collaboration with other international and intergovernmental organizations, the ILO should focus on its unique mandate and expertise and use the opportunity to emphasize the importance of social dialogue in implementing due diligence. IMEC supported the draft decision.
- 489.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria, said that Montenegro, Serbia, Albania and Bosnia and Herzegovina aligned themselves with the statement. Expressing support for the IMEC statement and the full commitment of the EU to the promotion of the instrument, she welcomed the numerous promotional activities, including those conducted in partnership with the EU. The ILO should further promote due diligence in its programmes. The appointment of national focal points in countries where there was no OECD National Contact Point could stimulate uptake of the MNE Declaration at the country level. The regional follow-up mechanism provided a good basis for the identification of specific needs for technical support and follow-up actions. Further information on the impact of the MNE Declaration on SMEs would be useful. Continuous engagement with other international and intergovernmental organizations and joint efforts were needed in order to foster private sector contribution to the SDGs. The EU and its Member States promoted the MNE Declaration and other related instruments and principles through various policies, instruments and activities; supported ILO activities to promote responsible supply chains; appreciated that the follow-up mechanism of the Declaration generated greater awareness and commitment; and supported the draft decision.
- 490.** *A Government representative of Argentina* requested assistance for her country as soon as possible. Argentina had set up a network of companies in support of decent work, with special emphasis on the value chain. Doing so had achieved significant results, but efforts should be strengthened. Maintaining decent work in the supply chain was of critical importance as larger companies frequently imposed costs on SMEs, making it impossible for them to guarantee workers’ rights. Follow-up actions to the MNE Declaration should continue in the most efficient way possible and with the broadest possible reach.

491. *A Government representative of Lesotho* commended the Office for its efforts to promote the MNE Declaration. Recalling the Addis Ababa Declaration adopted at the 13th African Regional Meeting, she called on the Office to continue to identify and address challenges; build the capacity of tripartite constituents; increase technical support; revise the operational tools to ensure they were attractive and useful to constituents; and strengthen advocacy work and joint ventures undertaken with various regional and international organizations. Her country supported the draft decision.
492. *A representative of the Director-General* (Director, Enterprises Department) thanked the Governing Body members for all the expressions of support for the Office's work. The concerns raised could be resolved through ongoing consultation with the social partners and the Governments to ensure that the Office's interpretation of the MNE Declaration substance and processes was agreed by all. He clarified to the Employers' group that there was no grievance mechanism included in the partnership agreement between the ILO and the Tokyo 2020 Organising Committee. He was not aware of a Governing Body decision regarding a global meeting mentioned by the Workers' group and suggested that further consultations could clarify that matter. The national focal points were in the early stages and would take shape through national tripartite dialogue. Discussions on the Global Compact needed to be reviewed in the context of the broader UN reform process. He noted the many requests for capacity building and technical assistance, for increasing the ILO's activities in Africa, and for looking at the linkages with SMEs. He welcomed further engagement with the constituents on the MNE Declaration.

Decision

493. *The Governing Body:*

- (a) *took note of the information contained in document GB.332/POL/6; and*
- (b) *requested the Office to take into account its guidance on enhancing the further recognition and implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).*

(GB.332/POL/6, paragraph 20.)

Legal Issues and International Labour Standards Section

Legal Issues Segment

First item on the agenda

Follow-up to the discussion on 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 a national or a representative ([GB.332/LILS/1](#))

494. *The Worker spokesperson* said that freedom of opinion and expression were key to meaningful social dialogue. Tripartism was the very essence of the ILO and could only be effective and meaningful if Worker and Employer representatives taking part in ILO meetings were able to carry out their functions freely and independently and were granted effective protection against possible retaliatory actions.
495. The Workers' group supported the immunities proposed in the document, as well as their proposed scope in terms of persons covered. Immunity from arrest or detention and exemption from restrictions on free movement were necessary in order to address the situation where Employer or Worker representatives were prevented from discharging their ILO mandate by being arbitrarily arrested or detained, or prevented from attending sessions of the International Labour Conference (ILC), the Governing Body or a Regional Meeting for example, because of the lack of availability of a valid passport or permission to leave the country. These immunities would also protect them against retaliatory arrest or administrative detention upon their return. She concurred that immunity from personal arrest or detention would not apply if the person concerned were found in the act of committing an offence.
496. However, the limitation on immunity from legal process in respect of opinions expressed orally or in writing applying to statements and acts performed at the meeting but not to statements made outside of the meeting premises or to the media was inconsistent with the preamble to the draft resolution set out in Appendix I. In line with the 1970 Conference resolution concerning freedom of speech of non-governmental delegates to ILO meetings, immunity from legal process should extend to words spoken or written and acts performed related to the function of Employer and Worker representatives at ILO meetings, both inside and outside the meeting, including to the press and on social media, and subsequent to the meeting. She therefore requested that the words "at meetings" be removed from proposed paragraph 1bis(i)(a) of the revised annex contained in the draft resolution.
497. With reference to Appendix II, she asked whether the proposals on possible elements of a procedure for waiving immunity satisfied IMEC, noting that such a procedure would apply only in rare cases. Delegates and advisers to Regional Meetings and advisers to the Conference were not mentioned in paragraph 1 and that omission should be corrected. She asked the Office to clarify the meaning of "diplomatic communication" in paragraph 3 and agreed that requests for waiver could be examined in a private sitting in the INS Section of

the Governing Body, as described in paragraph 7. The matter of requests for waiver in relation to Conference delegates, described in paragraph 8, could be referred to the Credentials Committee rather than the Selection Committee. The Workers' group supported the draft resolution, with the deletion of the words "at meetings" from paragraph 1bis(i)(a).

498. *The Employer spokesperson* said that the revised draft resolution was a significant improvement on the previous version from November 2016 and he hoped that it would be approved by the Workers and the Governments. The strengthening and protection of tripartite social democracy and the individual and collective liberties of Conference delegates and Governing Body members in the performance of their functions were of vital importance. He expressed satisfaction with the legal and regulatory framework for waiving immunity. The Employers hoped that the resolution would be approved and, subsequently, adopted at the Conference and widely accepted by ILO member States. Until its adoption, the Credentials Committee and the Committee on Freedom of Association remained important avenues of recourse for the protection of Employer and Worker representatives in respect of their home countries. The Employers approved the draft decision.

499. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that Workers' and Employers' delegates to ILO meetings should be able to express themselves freely and act independently of their governments without fear of reprisals. When the previous draft resolution had not been approved, his group had anticipated that the Office would initiate consultations to find a joint solution and was surprised to be presented with such a broad and controversial draft resolution. The group had not had sufficient time to discuss the issue of immunity from personal arrest or detention at the national level and so was not in a position to respond to the proposal. It did not support the draft decision and proposed an amendment to read:

The Governing Body:

- (a) postpones the item to the 334th Session of the Governing Body; and
- (b) requests the Office to provide a draft document on the subject by September 2018 followed by a consultation process including informal tripartite consultation in order to find a viable approach.

500. *Speaking on behalf of IMEC*, a Government representative of Canada supported the statement of the Government group. Although IMEC had supported the Office's previous proposal, it recognized that the proposal had been problematic for the Government group and insufficient for the social partners. Informal tripartite consultations on an early draft would be conducive to finding a common approach that could be widely endorsed by Governments and subsequently implemented. IMEC supported the draft decision, as amended. If the Governing Body agreed to amend Appendix I, the proposal should be treated similarly to draft ILO instruments and submitted to all member States well in advance of the Conference, and it might be advisable to adopt the corresponding resolution by vote. His group noted that the Office had responded to its previous comments with regard to waiving immunity for persons found in the act of committing an offence and appreciated the more detailed explanations on the procedure for waiving immunity, which required further exploration and detailed review.

501. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that the independence, transparency and stability of the ILO's main deliberative and executive organs were guaranteed by protecting the immunity of Workers' and Employers' delegates. She reiterated the concerns expressed by her group at the 326th Session of the Governing Body. Authority under the 1947 Convention to grant and waive the immunity of Workers' and Employers' delegates to the Conference and Governing Body members should not override the jurisdiction of a sovereign State. The Governing Body and the Conference should reserve the right to lift the immunities under section 16 of the 1947 Convention in

cases where not doing so would amount to a clear injustice. She supported the amendment to the draft decision proposed by the Government group.

- 502.** *The Worker spokesperson* said that the issue affected delegates in the fulfilment of their mandate as Employer or Worker representatives. The need for further consultation between government ministries had been raised in November 2016 but those consultations had not yet taken place. As all present had affirmed the importance of protecting delegates and tripartism, she asked why they were not yet in a position to address the issue.
- 503.** *The Employer spokesperson* invited the Government group to examine whether it really wanted to progress and protect social democracy. Since the proposed immunity would be protected within the ILO's legal and regulatory framework and abuses would be sanctioned, the group's apprehensions were difficult to comprehend. It was time to conclude the discussion.
- 504.** *A representative of the Director-General (Legal Adviser)*, replying to the question from the Workers' group, said that "diplomatic communications" and "ordinary diplomatic channels" in paragraph 3 of Appendix II referred to the fact that the Office communicated with the authorities of member States through those States' permanent missions to assert immunities and could not receive requests to lift immunity directly from national courts and tribunals. Regarding IMEC's suggestion for the draft resolution to be communicated to all member States as early as possible, he presumed that the ordinary procedure would be followed, meaning that the document would be posted online immediately after its adoption by the Governing Body. With respect to the vote proposed by IMEC, article 19, paragraph 6, of the Standing Orders of the Conference provided that a record vote could be requested either by the chairperson of a group or at least 90 delegates.
- 505.** *The Worker spokesperson* proposed that a consultation should take place between the Office and the Government group on the modalities of solving the problem, followed by tripartite consultation. The draft decision could be amended to clarify that the item was being postponed to the 334th Session of the Governing Body with a view to the submission of a draft resolution to the following session of the Conference, which would finalize the debate and provide the necessary protection.
- 506.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that he was not in a position to agree to the proposed amendment as the Governments needed more time to consult within their group and with their ministries. He proposed that the draft decision should be further amended to read as follows:
- The Governing Body:
- (a) postpones the item to the 334th Session of the Governing Body with a view to submission of a draft resolution to the following session of the International Labour Conference;
 - (b) requests the Office to provide a draft document on the subject as soon as possible and no later than April 2018, followed by a consultation process including informal tripartite consultations in order to find a viable approach.
- 507.** *The Worker spokesperson* welcomed the support of the Government group for subparagraph (a) as amended by the Workers and said she had no objection to subparagraph (b). With *the Employer spokesperson*, she acknowledged the Government group's wish to progress on the issue and asked what kind of document it required from the Office.
- 508.** *Speaking on behalf of the Government group*, a Government representative of the United States said that the document requested in subparagraph (b) was the resolution or other solution proposed by the Office for consideration and adoption at the 334th Session of the

Governing Body with a view to its consideration at the 108th Session of the Conference in 2019. Early consideration of the proposal would allow Governments the necessary time to consult with their relevant ministries and take part in tripartite consultations.

- 509.** *A representative of the Director-General (Legal Adviser)* said that consultations could begin at the earliest opportunity if the Government group was ready to do so on the basis of the present document. The agenda item had been reviewed and deferred on three previous occasions in order to enable Governments to undertake internal consultations on the issue. The Office had requested feedback from Governments in advance of the current Governing Body session, but none had been forthcoming and the group had not proposed any changes to the document.
- 510.** *Speaking on behalf of the Government group*, a Government representative of the United States said that if the ILO wished to table the current document as a starting point for consultations, the Government group would not require any further documents. The group had not had sufficient time since the publication of the document to conduct internal consultations and provide feedback.
- 511.** *The Worker spokesperson* said that there had been tripartite agreement that consultations should begin promptly and no later than April. Subparagraph (b) of the tabled amendment should be updated to reflect that agreement, taking into account that the current document required further consideration and an initial round of consultations between the Government group and the Office was envisaged. A resolution for the November session of the Governing Body could only be drafted following further consultations.
- 512.** *Speaking on behalf of the Government group*, a Government representative of the United States noted that the term “consultation” was used to refer both to internal government consultations at the country level and to tripartite consultations. She asked the ILO to provide a proposal for use in internal government consultations at the country level; Governments could then provide feedback to the Office by April, with a view to achieving the support of all Governments and tripartite consensus on any potential changes proposed.
- 513.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that, on the basis of the discussion, the Government group upheld its original amendment.
- 514.** *The Worker spokesperson* asked the Government group to clarify whether it would like the Office to produce a new document or wished to begin consultations as soon as possible, including informal tripartite consultations, on the basis of the current document.
- 515.** *Speaking on behalf of the Government group*, a Government representative of the United States asked the Office to clarify whether the current document represented a starting point for consultations or whether it would amend the document in the light of feedback received, in particular from the Workers’ group.
- 516.** *The Worker spokesperson* said that the amendment proposed by her group had not been adopted yet. She asked the Office to provide a copy of the minutes to all parties to consultations so that the Government group could consider the amendment proposed by the Workers’ group in their internal consultations without requesting further documents from the Office.
- 517.** *The Employer spokesperson* said that it was important to ascertain whether the Government group was clear on the document and agreed with its proposals before going further. The social partners had commented on the proposal. The document was sufficiently precise and consensus needed to be reached on the matter.

- 518.** *Speaking on behalf of IMEC*, a Government representative of Canada said that Governments were unclear on certain aspects of the document given the short time frame provided for constituents to study it since its publication. There were sensitive legal issues to explore and it was possible that several rounds of consultations would be needed at the country level. Governments would require a final document well before the meeting in November to be in a position to make a decision as various ministries needed to be able to provide input.
- 519.** *The Worker spokesperson* reiterated her request for clarification from the Government group on whether it would like to begin consultations on the basis of the current document or whether the Office should provide another document.
- 520.** *Speaking on behalf of IMEC*, a Government representative of Canada, submitted a subamendment on behalf of the Government group, modifying the amended draft decision to read:
- (a) postpones the item to the 334th Session of the Governing Body, with a view to the submission of a draft resolution to the following session of the International Labour Conference, taking into account the limited time made available for a comprehensive analysis of the document;
 - (b) requests the Office to recirculate the document to member States by the end of the Governing Body and schedule a consultation process including informal tripartite consultations in order to find a viable approach.
- 521.** *The Worker spokesperson* inquired whether the phrase “taking into account the limited time available for comprehensive analysis of the document” in subparagraph (a) was meant to ensure that there was sufficient time for consultation in the future or was merely an acknowledgement that there had not been sufficient time in the past. The phrase should be moved to the beginning of the sentence, and the document should be referred to by its official number to avoid confusion. With those changes, her group could support the draft decision.
- 522.** *The Employer spokesperson* said that his group accepted the proposed modifications to the amendment but noted that it remained unclear what the Governments objected to in the document.
- 523.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that the phrase beginning “taking into account” was intended to ensure that there would be sufficient time for his group to conduct internal consultations going forward.
- 524.** *Speaking on behalf of IMEC*, a Government representative of Canada, in response to the Employers’ query, said that the Government group did not object to the document as such, but required more time to send it to ministries and hold consultations both internally and in Geneva. Governments also needed a formal request to send to their ministries. That was why the group had requested that the document should be recirculated.

Decision

525. *The Governing Body:*

- (a) *taking into account the limited time made available for comprehensive analysis of document GB.332/LILS/1, postponed the item to its 334th Session (October–November 2018) with a view to the submission of a draft resolution to the following session of the International Labour Conference;***

- (b) requested the Office to recirculate the document GB.332/LILS/1 to member States by the end of the 332nd Session and schedule a consultation process including informal tripartite consultations in order to find a viable approach.**

(GB.332/LILS/1, paragraph 11, as amended by the Governing Body.)

Second item on the agenda

Composition of the International Labour Conference: Proportion of women and men in delegations (GB.332/LILS/2)

526. *The Worker spokesperson* said that since 1919, when the Constitution of the ILO was first drafted, it was expected that women would play on a footing of complete equality with men. Several Conference resolutions had reinforced the need to secure enhanced participation by women at all meetings of the ILO, including the Conference and Regional Meetings. Such participation was a basic requirement in accordance with UN and ILO principles and was in line with article 21 of the Universal Declaration of Human Rights. However, progress towards the goal of equal participation in the Organization and throughout the entire UN system had been slow. The persistent lack of gender parity in delegations was detrimental to inclusive social dialogue and, in the Organization, to its credibility. She acknowledged that her group had the lowest percentage of women's participation at the International Labour Conference, with women making up an average of less than 24 per cent of delegates as compared with just over 25 per cent for Employers and more than 35 per cent for Governments. Since greater efforts were clearly needed to achieve gender parity, the Workers and the Bureau for Workers' Activities (ACTRAV) had continued, in their communications with national centres, to apply pressure at the country level to redress the situation ahead of the next Conference. Real and renewed political commitment from governments and from employers' and workers' organizations was needed to ensure that women were better represented at the Conference and Regional Meetings. In terms of making progress, she welcomed the Director-General's letter to those delegations who did not achieve the 30 per cent women's participation rate. Replies pointed at three main obstacles, namely, the low ratio of women in national level management and specialist positions; the structural barriers to women's equality and empowerment in the world of work; and financial constraints. The obstacles cited by member States were unsurprising: the lack of gender parity at the ILO reflected widespread and ingrained gender-based discrimination and stereotypes in society and the world of work. High-level progress would need to go hand-in-hand with strong tripartite commitment at the country level to promote gender equality and address discrimination. Information on women's level of participation should be more widely publicized, along with guidance and practical measures to improve it. The Office should hold information sessions at every Conference and Regional Meeting to present the figures and encourage a tripartite exchange of views and strategies to achieve gender parity across the three groups. The Credentials Committee should continue to include detailed information about the proportion of women accredited in Conference delegations, along with sex-disaggregated statistics by member States and by tripartite groups. Doing so would enable each group to monitor the situation and take action. Her group was fully committed to gender equality and would continue to impress the importance of the issue upon workers' organizations. Achieving gender parity among delegations at the centenary Conference would enable ILO constituents to show their commitment to the Women at Work Initiative, an opportunity that should not be missed. Her group therefore supported the draft decision.

527. *The Employer spokesperson* said that significant progress in women's representation at the Conference was discernible if one took a long-term perspective and compared the figures with earlier years, which the Office's report failed to do. In 2015, the overall proportion of women at the Conference had reached the 1995 target of 30 per cent. Progress had been insufficient, however, as social partners had not yet met the 30 per cent target. While the data presented in the report were valuable, the graphs on Regional Meetings were unclear and did not take contextual differences between regions into account or provide a breakdown of female Conference participants by region. The responsibility for attaining gender parity in delegations lay with governments and social partners; if there was a dearth of female employees to choose from in countries, that reflected a systemic gender imbalance that should be addressed. That point had been identified as the main obstacle by member States that had not reached the 30 per cent minimum target in their responses to the Director-General's circular. According to their replies, the low ratio of women in national level management and structural barriers to women's equality and empowerment in the world of work were the major obstacles they face when selecting delegation members. Employers faced the same challenges as member States in that regard. For that reason, her group considered IMEC's proposed amendment increasing the target to 50 per cent representation at the Conference and Regional Meetings to be commendable, but impractical. Priority should be given to increasing current efforts, not to setting new targets, and constituents should focus on expanding their pools of competent representatives, male and female. Not all groups had yet achieved the 30 per cent target; parity remained the long-term goal. Moreover, gender equality was not merely a matter of numbers; it was also about transforming the institutional culture and capitalizing on the ILO's full potential. With regard to the Office-piloted workshops on good practices for member States that had not reached the target, she expressed major concern over the inclusion of "temporary quotas for women's participation in Parliament and for political parties" in the list of good practices. The Office should not impose quotas or binding rules, even for temporary periods. The choice of delegations for the Conference and Regional Meetings belonged exclusively to governments and social partners and should remain so. For that reason, her group could only accept subparagraph (c) of the amended draft decision proposed by IMEC if the wording were changed to "request that the Director-General's report list delegations that meet the minimum target of 30 per cent women's participation": countries should be rewarded for making efforts to reach the target, not penalized for failing to do so. That would be without affecting the report made by the Credentials Committee and the other statistics that the Office compiled on the Conference. Her group supported the areas for continued action by the Office as identified during the workshops and listed in paragraph 20 of the document; however, valuable as the workshops were, there was no reason to mention them in the draft decision set out in subparagraph (d) of the IMEC proposal since they were merely one of many important avenues that the Office should pursue. The Women at Work Initiative would afford an opportunity for the Office to expand its action by encouraging the specific measures taken by governments and by employers' and workers' organizations. Her group supported the original draft decision proposed by the Office.

528. *Speaking on behalf of ASPAG*, a Government representative of Saudi Arabia recalled the resolutions adopted by the Conference in 1975, 1981, 1991 and 2009 addressing the participation of women in the Conference, as well as the target set by the UN in 1990 for a minimum of 30 per cent women in decision- and policy-making bodies, with the aim of achieving parity. In the annex to its resolution 1990/15, the UN Economic and Social Council (ECOSOC) requested governments, political parties, trade unions, professional and other representative groups to "aim at targets to increase the proportion of women in leadership positions to at least 30 per cent by 1995, with a view to achieving equal representation between women and men by the year 2000". Despite those frequent appeals, the overall proportion of women in Conference delegations had only reached the 1995 short-term minimum target of 30 per cent by 2015, and even that minimum target remained to be met by either one of the social partners. ASPAG encouraged the Office to inquire about

any action taken by constituents to send gender-balanced delegations to the Conference and other ILO meetings, in addition to the obstacles encountered. His group urged all constituents to increase the participation of women in their groups and requested the Office to continue its efforts in that regard, to develop further measures to meet gender parity targets and to report on those measures and results periodically.

- 529.** *Speaking on behalf of IMEC*, a Government representative of Australia noted that in its 1990 resolution, ECOSOC had set a target of achieving equal representation by 2000. It was unacceptable that by 2018 the minimum target of 30 per cent women in delegations to the Conference and Regional Meetings had barely been achieved and was woefully short of gender parity. In 2018, the aim should be parity and nothing less than parity: IMEC therefore proposed raising the target to 50 per cent. Achieving gender balance in delegations was something that affected everyone. The failure to reach gender parity had serious negative consequences, both socially and economically. It compromised the credibility of social dialogue taking place within the ILO and presented a risk to its reputation. Although IMEC acknowledged that improvement was needed from governments, it noted with concern that the number of women in social partner delegations was consistently low and remained below the minimum 30 per cent requirement. In that regard, she noted that Governments could not influence the composition of social partners' delegations and encouraged social partners as well as governments to redouble efforts to achieve gender equality in delegations. Her group appreciated initiatives by the Office to identify and conduct research on the obstacles to equal gender participation in tripartite delegations. However, real improvements would require all groups to urgently pursue meaningful, holistic gender equality strategies at the national level in order to overcome the perpetual and well-known obstacles that continued to impact women's advancement. Resources should be better allocated to helping delegations with inadequate levels of female participation to improve, and there should be greater accountability for those not meeting the minimum target. IMEC proposed a number of amendments to the draft decision, including the introduction of subparagraphs (c) and (d), as follows:

The Governing Body:

- (a) strongly urges all groups to increase the number of women in their delegations to 50 per cent, accredited as delegates and advisers;
 - (b) requests the Director-General to continue to bring the issue to the attention of Members and groups, after every International Labour Conference as well as Regional Meetings, that have not reached the goal of gender parity, and to periodically report to the Governing Body on obstacles and measures taken by tripartite constituents to achieve parity;
 - (c) requests that the Director-General's report list delegations that consistently miss the long-standing minimum target of 30 per cent women's participation; and
 - (d) requests the Office to continue hosting workshops for all groups, including social partners and those outside Geneva, who may need assistance to reach gender parity in delegations.
- 530.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho welcomed the updated information regarding the proportion of women and men to the Conference and Regional Meetings. The participation of women had always been an essential aspect of the ILO since its inception in 1919, ensuring that women engaged on an equal footing with men. The ILO Constitution allowed for the inclusion of at least one woman adviser when issues affecting women were discussed at the Conference. The participation of women was the focus of a number of resolutions, not only at the Conference, but also at Regional Meetings, international and national meetings convened by the ILO. Despite UN and ECOSOC resolutions promoting gender balance in delegations to UN international meetings and conferences, member States which had not attained the minimum target cited reasons such as financial constraints and the low ratio of women in national-level management and specialist positions in Conference-related themes. She applauded the Office for its responses to those issues and encouraged it to continue. The participation of women representing the

social partners at the Conference had not yet reached the minimum target, although there had been a notable improvement at the regional level. The Office should continue to collect relevant information and to encourage and assist tripartite constituents to implement specific measures to achieve gender parity in delegations to ILO meetings. She urged member States to encourage the social partners to recognize women in their organizations, in order to fulfil the intent of the ILO Constitution as well as the ECOSOC and UN resolutions. While not opposed to the IMEC proposal to increase the target threshold to 50 per cent, her group considered it wise to achieve the 30 per cent threshold first. Taking those observations into account, the Africa group supported the draft decision.

- 531.** *A Government representative of India* said that women's participation in its meetings had been an important goal of the ILO since its inception and her country was committed to achieving gender parity at all meetings convened by the ILO. The percentage of women in the Indian delegation at the Conference had consistently increased due to continued efforts to encourage the social partners to ensure sufficient representation of women in their respective groups. She requested the ILO to take up the matter directly with social partners, as governments did not have any jurisdiction over the choice of individual delegates made by the social partners. All ILO constituents should take specific measures aimed at attaining gender balance in delegations; the ILO goal of decent work for all would not be achieved without equal participation by women. Proactive reforms were needed to make the ILO more sensitive to issues of gender equality, not only in words but also in practice. The ILO should study the obstacles encountered by those social partners that had not reached the 30 per cent target and take measures to advise them and achieve gender parity at all levels. India supported the draft decision.
- 532.** *The Worker spokesperson* welcomed IMEC's proposed amendment to subparagraph (a) which urged delegates to raise their sights from 30 per cent to 50 per cent representation. That proposal was entirely appropriate in view of the slow progress towards the target and the views expressed in the current debate. The proposal was not for a quota but reflected an expectation that there would be more action to achieve parity. Noting that expectations did not always lead to results, she also welcomed the additions in subparagraphs (b), (c) and (d) while acknowledging that the underlying structural barriers facing women would require broader action at the national level.
- 533.** *The Employer spokesperson* supported the ASPAG proposal to strengthen gender parity at the national level, since the promotion of gender equality needed to take account of national circumstances. Her group supported the Office's original draft decision.
- 534.** *Speaking on behalf of IMEC*, a Government representative of Australia noted the statements by other groups and governments, including the Africa group's comments on the 50 per cent target in the proposed amendment to subparagraph (a). In that regard she confirmed that the 50 per cent figure was purely aspirational, being neither a quota nor a target. IMEC preferred to maintain the proposed amendment and had heard consensus for it in the discussion. Proposed new subparagraph (c) could be amended to "consistently meet" rather than "consistently miss", as suggested by the Employers' group.
- 535.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that her group did not feel as strongly as the Employers about amendments to subparagraphs (c) and (d). However, she insisted that the 30 per cent target should first be achieved before moving to 50 per cent.
- 536.** *The Employer spokesperson* said that it was too early to propose 50 per cent, as mentioned in the amendment to subparagraph (a), as a goal.

537. *The Worker spokesperson* said that her group preferred to keep the amended wording “50 per cent” in subparagraph (a). All three groups had recognized that 30 per cent was a short-term target and that 50 per cent was the longer-term goal.
538. *Speaking on behalf of IMEC*, a Government representative of Australia agreed to the Africa group’s request to retain in subparagraph (b) the words “that have not reached the minimum target of 30 per cent of women’s participation”. She asked whether the Employers’ group would accept adding the words “to aspire to 50 per cent” in subparagraph (a), so emphasizing that the figure of 50 per cent was aspirational rather than a target or binding quota.
539. *The Employer spokesperson* stated that the draft decision would achieve the target of 30 per cent. The draft decision contained in the document already mentioned gender parity, therefore it was not necessary to include the words “50 per cent” in subparagraph (a).
540. *Speaking on behalf of IMEC*, a Government representative of Australia agreed that the concept of increasing the participation of women in ILO meetings was already present in the draft decision. However, the current focus was on 30 per cent whereas it should be on gender parity, which was closer to 50 per cent.
541. *The Employer spokesperson* proposed that subparagraph (a) of the draft decision should be amended to read: “urges all groups to aspire to achieving gender parity in their delegations to the Conference and Regional Meetings”.
542. *Speaking on behalf of IMEC*, a Government representative of Australia said that parity meant 50 per cent. Including the specific figure would focus minds on that target. The participants in the room were all in favour of reaching gender parity and agreed that more must be done. Given that subparagraph (b) set the minimum target of 30 per cent, IMEC was in favour of using subparagraph (a) to strongly urge all groups to aspire to 50 per cent.
543. *Speaking on behalf of the Africa group*, a Government representative of Lesotho agreed that all groups aspired to reach gender parity. However, her group would prefer to maintain the previously agreed reference to 30 per cent and refrain from introducing a reference to 50 per cent. Attendance at meetings was based not only on gender but also on the positions that delegates held in their various organizations.
544. *The Worker spokesperson* emphasized that “gender parity” clearly meant 50 per cent. Although she would prefer that figure to be specified, she would accept the term “gender parity” to facilitate consensus.
545. *Speaking on behalf of IMEC*, a Government representative of Australia concurred that the omission of the words “50 per cent” was less than ideal as it would shift the focus from achieving parity to achieving 30 per cent participation by women. Moreover, it was important to IMEC to keep the words “as delegates and advisers”. Accrediting men as titular members of the Conference was clearly not the same as granting women a subordinate role as advisers for the statistics.
546. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that she could accept the reference to 50 per cent in subparagraph (a) as long as it in no way contradicted the 30 per cent target to be maintained in subparagraph (b).
547. *The Employer spokesperson* asked the Legal Adviser to explain whether the definition of “delegation” included a reference to advisers.
548. *A representative of the Director-General (Legal Adviser)* said that, according to the ILO Constitution, a Conference delegation comprised two representatives of its Government, one

representative of the Workers and one representative of the Employers. Typically, it would also comprise advisers, some of whom could also be substitute delegates. In practice however, Conference delegations comprised many more individuals. Regarding subparagraph (a) he observed that its original wording urging “Governments, employers’ and workers’ organizations” to achieve gender parity in the delegations was more accurate.

549. *An Employer member from Australia* said that his group had sought clarification on whether “delegation” had a prescribed meaning that would make the last amendment proposed by IMEC redundant.
550. *A representative of the Director-General (Legal Adviser)* replied that “delegation” traditionally meant the titular delegates and advisers that each group accredited to the Conference.
551. *Speaking on behalf of IMEC*, a Government representative of Australia, referring to article 3 of the ILO Constitution, concurred that a delegation technically comprised two delegates of the Government and two others who represented, respectively, the Employers and the Workers. However, she still saw a need to insist upon the words “delegates and advisers”. Article 3, paragraph 2, of the ILO Constitution specified that each delegate could be accompanied by advisers, who were, ipso facto, subordinate to the delegates.
552. *The Employer spokesperson* proposed the wording “delegates, advisers and observers”, which would include observers to the International Labour Conference and Regional Meetings.
553. *Speaking on behalf of IMEC*, a Government representative of Australia said that IMEC agreed to that proposal.
554. *The Worker spokesperson* expressed satisfaction with the latest wording proposed.
555. *The Employer spokesperson* thanked IMEC and the Workers for their support.

Decision

556. *The Governing Body:*

- (a) *urged all groups to aspire to achieve gender parity among their accredited delegates, advisers and observers to the Conference and Regional Meetings;*
- (b) *requested the Director-General, after every Conference as well as Regional Meeting, to continue to bring the issue to the attention of Members and groups that had not reached the minimum target of 30 per cent of women’s participation with the goal of gender parity, and to periodically report to the Governing Body on obstacles encountered, as well as measures taken by tripartite constituents to achieve gender parity;*
- (c) *requested that the report of the Director-General list delegations that meet the long-standing minimum target of 30 per cent participation; and*

- (d) *requested the Office to continue hosting workshops for all groups, including social partners and those outside Geneva, who might need assistance to reach gender parity in delegations.*

(GB.332/LILS/2, paragraph 23, as amended by the Governing Body.)

International Labour Standards and Human Rights Segment

Third item on the agenda

Proposed form for reports to be requested under article 19 of the ILO Constitution in 2019 on a number of instruments on employment promotion through the regulation of the employment relationship ([GB.332/LILS/3](#))

557. *The Employer spokesperson* said that two points were essential: the proposed form for reports to be requested under article 19 of the ILO Constitution must reflect the language of the instruments; and the questions should make clear that it was not mandatory to implement the instruments in question. Given that the form did not fully reflect the language of the instruments, the Employers' group proposed the following amendments.
558. First, the General Survey should examine "employment arrangements", instead of "alternative employment arrangements". Moreover, it should focus specifically on "groups of workers vulnerable to decent work deficits and exclusion". However, the General Survey should not examine those issues as such, but rather the application and impact of the instruments that addressed those issues.
559. Second, references to the terms "alternative employment arrangements", "alternative working arrangements", "alternative contractual arrangements" and "alternative working relationships" in questions 2, 8, 10, 60 and 61 should be removed, since those were not widely accepted terms and did not correspond to the language of the instruments.
560. Third, question 11 on dependent self-employment was not based on paragraphs 1 and 4 of the Employment Relationship Recommendation, 2006 (No. 198), and should therefore be removed. Similarly, the phrase "including those in dependent self-employment" should be deleted from question 12.
561. Fourth, references to paragraphs 3, 8, 19, 20 and 22 of Recommendation No. 198 were not included in the proposed report form. In particular, references to paragraphs 3 and 8 of Recommendation No. 198 should be added to question 8, as follows: "Please indicate any measures that aim to ensure that the national policy is formulated and implemented in consultation with the most representative organizations of employers and workers".
562. In question 12, the wording provided in brackets, which was not contained in Recommendation No. 198, should be included in a footnote rather than in the body of the proposed report form.

- 563.** A new question should be added after question 16, as follows: “Please indicate any measure taken to ensure that the national policy for the protection of workers in an employment relationship does not interfere with true civil and commercial relationships”.
- 564.** Question 46 should be divided into two separate questions, since it conflated the provisions of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and Recommendation No. 198.
- 565.** With the inclusion of the above amendments, the Employers’ group could approve the draft decision.
- 566.** *The Worker spokesperson* said that the rapid changes in the world of work required that the General Survey address the challenges posed by the growth in non-standard forms of employment. The challenge was to ensure that all workers, including those in non-standard forms of employment, benefited from labour-standard protection. Given the concentration of workers vulnerable to decent work deficits and exclusion in non-standard forms of employment, it was particularly important for the ILO to have comprehensive, up-to-date information to respond to the challenge.
- 567.** The Workers’ group considered that the questionnaire covered the relevant instruments adequately, and welcomed the incorporation of a separate section on social dialogue and the role of employers’ and workers’ organizations. Although the group had been ready to approve the draft decision, it was concerned by the proposals made by the Employers’ group. The proposals could risk reopening a matter already decided in November 2017, when there had been consensus that the article 19 questionnaire should examine instruments that were particularly relevant to alternative or non-standard forms of employment. She asked the Office for clarification on that point.
- 568.** There were also concerns regarding terminology. Although the Workers’ group would prefer to use the term “precarious work”, it was prepared to compromise and accept the term “non-standard forms of employment”, used in prior Governing Body discussions, as well as the term “alternative employment arrangements”. However, the group could not agree to removing the word “alternative”, since such a deletion would change the focus of the survey and mean that the relevant decision was being revisited, which the Workers were against.
- 569.** Furthermore, the focus of the survey should not be on instruments concerning particular groups of disadvantaged workers. The survey would not consider the full operation of the relevant instruments, but rather their operation in relation to non-standard forms of employment. In addition, it was not necessary for questions to be limited to the specific wording of the instruments. One of the aims of the article 19 survey was to evaluate the current impact and relevance of standards. The purpose of the General Survey was to consider the application of the instruments to forms of employment that were not prevalent or that were even unknown at the time that the instruments were adopted. To do otherwise would be contradictory to the purpose of the General Survey and would prevent experts and the constituents from basing their reflections on the current reality of the world of work. That would render policy recommendations meaningless. It would also contradict the flexible and coherent approach to the article 19 survey procedure taken in the ILO Declaration on Social Justice for a Fair Globalization. In fact, previous General Surveys, such as the questionnaire on working time, approved at the 326th Session of the Governing Body, had included questions with specific terms not used in the ILO instruments.
- 570.** Use of the term “dependent self-employment” was clearly in the ambit of Recommendation No. 198 and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), although not explicitly mentioned. The term refers to cases where there could be complex questions regarding whether it was a type of employment,

self-employment or something in between. The lack of clarity suggested that dependent self-employment was insufficiently covered by legislation. Some countries, however, had attempted to define it. In order to give countries sufficient opportunity to report on those steps, it should be included in the General Survey.

- 571.** *Speaking on behalf of IMEC*, a Government representative of the United States said that, although the report form was generally clear, direct and an improvement on other article 19 report forms, the questionnaires had become too broad and lengthy in recent years. IMEC had proposed a number of ways to improve the report form. First, the language of the draft questions should be aligned to that found in the relevant instruments in order to focus the report form and clarify individual questions. Second, many questions were framed in a way that presumed that member States had a defined coherent national employment policy in place when many, in reality, did not. Questions should be reframed so that member States could provide fully responsive answers regardless. Third, IMEC had proposed edits to address redundancies, improve clarity, correct typographical errors and eliminate provisions that strayed from the language of the instruments. Fourth, reporting requests and questionnaires should be streamlined to encourage governments to submit reports in a timely manner. IMEC's suggestions aimed to facilitate reporting by providing robust information, clarifying questions and reducing the reporting burden on governments.
- 572.** Going forward, IMEC wished to see more tightly focused questionnaires. Early electronic consultations on article 19 report forms could facilitate an exchange of edits so that the Governing Body would be in a position to adopt the form more readily. The Office should circulate the report form electronically in a format that was easily accessible and editable. IMEC's preference was to receive an electronic report form in a simple word document without text boxes or other editing restrictions. IMEC could support the draft decision provided that its proposed edits were taken into account.
- 573.** *Speaking on behalf of the Africa group*, a Government representative of Cameroon commended the Office on the inclusive and participative approach taken in the preparation of the report form and welcomed the instruments chosen, which addressed one of the priorities of the African region: youth employment. However, the report form should respect the content of the instruments. One of the concerns of the Africa group, however, was to ensure that the form could include questions aimed at ensuring that workers continued to receive work-related benefits, despite the emergence of non-standard forms of employment. Although the group supported the draft decision, it requested that its concerns be taken into consideration.
- 574.** *A Government representative of India* noted the document's reference to the examination of alternative employment arrangements and welcomed the focus on workers vulnerable to decent work deficits and exclusion, who were often concentrated in non-standard forms of employment. She expressed appreciation that questions on the transition to formality attached importance to issues such as reducing costs of compliance and facilitating starting a business, as creating an atmosphere conducive to business and entrepreneurship would help promote formal employment. Skills development and lifelong training mechanisms should also be assessed in the General Survey questionnaire. She expressed the hope that a General Survey report on the relevant instruments would provide an overview of the current situation in member States with regard to the instruments concerned and help identify potential gaps in international labour standards.
- 575.** *The Employer spokesperson* agreed with the Worker spokesperson's request to the ILO that all proposals put forward should be compiled, since several good points had been raised and clarity was needed on what would be included in the article 19 report form. He also agreed that the matter should be resolved at the present session. The report form should be prepared on the basis of the selected Conventions and Recommendations and limited to concepts

contained in those instruments. Further discussion on concepts not included in ILO instruments was therefore unnecessary, and his group would subsequently submit its views to the Office for the consideration of constituents. He expressed the hope that consensus would be achieved after discussions on a revised version of the document that took into account suggestions made by the constituents, in particular those raised by IMEC.

- 576.** *The Worker spokesperson* agreed with the Employer spokesperson on the need to achieve consensus by the end of the present Governing Body session. She welcomed the comments made by governments, noting the importance attached to the need to ensure that workers in all forms of employment benefited from labour standard protection and the focus on decent work deficits in non-standard forms of employment. She expressed the hope that the scope of the General Survey would not be changed; that the reference to alternative working arrangements would be maintained; and that the Office would consider possible changes to the wording in certain questions of the article 19 report form. The report form should be as straightforward as possible to ensure government responses were complete and clear, which would help the ILO obtain as much information as possible to cover the issues fully.
- 577.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that the Office valued the constructive feedback on difficulties encountered by governments when completing previous questionnaires, since that would help the ILO improve future questionnaires. At its previous session, the Governing Body had indeed decided that the General Survey should examine employment-related instruments relevant to alternative working arrangements which had gained greater relevance due to changes in the world of work, and that the survey would address the growing diversity in employment arrangements and seek information to produce a comprehensive overview of the current situation in member States. However, given the concerns raised by IMEC, the Office would review the article 19 report form on the basis of the current discussion and consultations with those constituents that had provided suggestions. The revised version would then be published for adoption by the Governing Body.
- 578.** *The Employer spokesperson* said that the article 19 report form should be developed in accordance with the instruments listed and should not refer to concepts not mentioned in those instruments for legal reasons and to avoid confusion. However, that did not mean he was opposed to the concepts discussed.
- 579.** *A Government representative of the United States* said that, on reviewing the suggestions proposed by IMEC, the wording “alternative employment arrangements”, which her group had understood to be the focus of the article 19 report form, had not been deleted. A number of the relevant instruments referred to “all employment relationships”, which her group understood to include alternative employment relationships.
- 580.** *The decision was deferred to a future session of the Governing Body.*

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

ILO programme implementation 2016–17 ([GB.332/PFA/1](#))

General comments pertaining to the overall report

- 581.** *The Worker spokesperson* said that the structure of the implementation report had improved since the previous report. Her group particularly welcomed the online dashboard, the section on lessons learned, challenges and future prospects, and the aggregated analysis of achievements per strategic objective. While the ILO was to be commended on having mainstreamed decent work into the 2030 Agenda for Sustainable Development, it was important to harness its tripartite and normative foundations in order to influence international policy debates and country-level work in pursuit of social justice and decent work, especially in the context of United Nations reform.
- 582.** Despite positive outcomes, important challenges remained in promoting international policy coherence based on ILO values and standards. The report rightly acknowledged the challenges related to the austerity measures promoted by the International Monetary Fund in the area of social protection.
- 583.** In respect of migration and the role of the International Organization for Migration, the information in paragraph 18 underestimated the challenges to ensuring that the ILO was recognized as the lead organization in labour migration in the implementation of the United Nations global compact for safe, orderly and regular migration.
- 584.** Regarding cross-cutting policy drivers, more should be done to enshrine the normative function in all the outcomes given that a mere 9 per cent of results had international labour standards as a principal objective. The fact that the ILO had received 98 new ratifications was good news. In future, a list of ratified Conventions should be provided and information on ratifications should systematically be included in each strategic objective section of the implementation report. The results showed that greater efforts were needed to strengthen social dialogue and the social partners' engagement at country level in order to optimize the ILO's value added at country level, particularly in light of United Nations reform. The situation on gender equality and non-discrimination also merited improvement, given that only 39 per cent of results made a significant contribution to that cross-cutting policy driver. She asked why there had been no gender-specific extra-budgetary approvals during the biennium, as indicated in document GB.332/INS/6, and what remedial action would be taken. As the results most often focused on gender, greater attention should be paid in future to non-discrimination. The report contained little information on how discrimination based on health, especially HIV/AIDS, was addressed in ILO programmes.
- 585.** As the ILO derived its strength from its comparative advantage as the only organization that developed and supervised international labour standards, more resources should be allocated

to outcome 2, especially if the ILO wished to face the challenges related to strengthening its normative functions through technical cooperation. She wondered why regular budget expenditure for the formalization of the informal economy, unacceptable forms of work and labour migration was less than planned. Her group would appreciate clarification on the reasons for the decline in extra-budgetary funding for outcome 10 on employers' and workers' organizations, and what remedial action was envisaged.

- 586.** Figures 6 to 15 in Appendix II illustrated which outcomes were working on a collaborative basis, drawing on resources from across the Office. Figure 11 on outcome 6 showed a good example of several departments and regions working collaboratively. However, for many other outcomes, it was of concern that only one or a few technical departments were contributing.
- 587.** *The Employer spokesperson* expressed disappointment that his group's repeated call for the Office to produce an implementation report providing an in-depth comparative analysis of results against what was planned in the programme and budget, and strong narratives on results and impacts achieved, had not been heeded. During the programme and budget discussion at the 326th Session of the Governing Body in March 2016, the Employers' group had specifically requested that the implementation report should include extensive information on resource expenditure for each policy outcome, comparing the strategic budget with actual expenditure, and on results and impacts achieved for each policy outcome per region in comparison with what was planned.
- 588.** The Employers' group had also emphasized during the 331st Session of the Governing Body in November 2017 that an integrated policy outcome reporting within the framework of four strategic objectives was an unnecessary burden on the Office, and that the report on ILO programme implementation 2016–17 should capture lessons learned as well as Office responsiveness to the constituents. The Office had not taken those comments into account. On that occasion, the group had once again appealed for a financial report that provided a comprehensive overview of how resources were spent and how different ILO departments were contributing to the ten policy outcomes. Similarly, the Office had not taken into consideration a formal letter from the Employer's group emphasizing the need to pay specific attention to how the implementation report was presented and notably to include an ex-post facto financial report.
- 589.** It was difficult to interpret the figures in table 1 on ILO strategic expenditure by outcome, 2016–17. Despite being requested to do so, the Office had not provided an analysis comparing the figures in table 1 with the budgeted amounts in table 2 of the Programme and Budget for 2016–17, nor had it detailed and justified large differentials. Members of the Employer's group had therefore undertaken the analysis themselves and made several observations.
- 590.** For several policy outcomes, the Office had offered no insights on discrepancies between the strategic budget and expenditures. Differences in the actual and planned expenditures for all ten outcomes collectively were as high as US\$93.5 million: the Employers' group requested the Office to explain its decision to spend more on some outcomes and underspend on others.
- 591.** The report included no explanation as to why the Office had not fully delivered on its regular budget, with an unspent amount of \$8.9 million. The Office had also failed to clarify why some outcomes received more extra-budgetary contributions than estimated while others received less. While the Office had indicated that outcome 10 was below target due to a sharp decline in extra-budgetary funds, the justification contradicted the information provided in the report that voluntary funding in 2017 had reached a record level of over \$603 million. Given that the Office's projections for extra-budgetary contributions had been

exceeded, more resources could have been provided to strengthen employers' organizations as part of outcome 10, so that related targets could be achieved. The Office should also clarify how extra-budgetary funding was allocated and whether express demands and constituents' needs were considered.

- 592.** The expenditure summaries in the report did not distinguish between funds allocated under outcome 10 to workers and employers, respectively, which hindered understanding of where and how ILO resources had been channelled to the social partners. Members of the Governing Body should not have to undertake the analysis themselves. The Employers' group had found a stark imbalance in the allocation of extra-budgetary resources to employers' and workers' organizations, which could not be justified.
- 593.** The analysis in Appendix II, Additional financial data, fell short of what the Governing Body required to assess budgetary spending. For example, figures 6 to 15 indicated the contributions of ILO departments and regional programmes to each policy outcome in percentage terms only. The Office should indicate the precise contribution made by ILO departments and regional programmes and specify the type of resources used to formulate the percentages. Despite shortcomings in the analysis, the group thanked the Office for stressing that support from member States and donors was critical to properly fund the development of strong and representative employers' and workers' organizations.
- 594.** The Office should evaluate whether changes in process management had brought positive results. There was insufficient clarity on what the improvements of the Business Process Review were and whether new processes had delivered efficiency gains. The Office should also clarify how underutilized resources had been redeployed to priority activities in a timely and efficient manner. It should also undertake a cost-benefit analysis of the review, particularly on how much had been invested so far and how much the ILO had recovered through improved processes.
- 595.** While the structure of the implementation report was based on four strategic objectives, the structure of the programme and budget was based on ten policy outcomes. It was therefore difficult to read the two documents in parallel, assess results and impact and draw lessons, particularly because contrary to the outcomes the strategic objectives did not have defined targets and criteria of achievement. In the context of an improved results-based management framework, the Office should find a better way to collectively report on a policy outcome, possibly by reverting to outcome-based reporting.
- 596.** Although the Web-based Decent Work Results Dashboard was an innovative development, it had a number of problems. There was no added value to the results shown globally and per region, since the figures were not compared to the programme and budget and offered no insights into country-level achievements and lessons learned in an integrated manner. In addition, it was confusing that the Dashboard was structured to correspond with policy outcomes and not the strategic objectives outlined in the implementation report. Such innovative projects must be simple and transparent in order to be of use to the Organization and must be based on a consultative process. The Decent Work Results Dashboard should be linked to the Development Cooperation Dashboard and the Evaluation Dashboard for a more comprehensive view of projects, activities and achievements at country level and to avoid having three siloed dashboards that were not interconnected. The hyperlinks currently in place were not helpful.
- 597.** The results for each strategic objective were unclear. Rather than providing an overview of achievements, challenges and lessons learned, the report offered descriptions of end products and a quantification of results. More attention should be paid to the application and utility of specific products, projects and processes as well as their impact on the constituents. The

Office should clarify how all policy outcomes, and not outcome 10 alone, had built the capacity of the constituents.

- 598.** It was difficult to understand how and to what extent the policy outcomes supported the mainstreaming of the three cross-cutting policy drivers, and the marker system was not useful in that regard.
- 599.** The Employers' perspectives had not been adequately reflected in the joint research publication of the ILO, the OECD and the Global Deal, entitled *Achieving Decent Work and Inclusive Growth: The Business Case for Social Dialogue*. That document had numerous deficiencies, leading to the conclusion that it was not evidence-based. The Employers' group had already objected to the continuous engagement of the Office with the Global Deal, since it duplicated the ILO's mandate and efforts; the ILO should be the only channel of social dialogue. The publication should therefore not be referenced in the report. The publication *Non-standard employment around the world: Understanding challenges, shaping prospects* should not be referenced either, since the group had already expressed reservations to its content due to the lack of good governance and the unbalanced approach followed in its elaboration. The Office should also explain how it measured the relevance and quality of ILO research.
- 600.** Regarding capacity building through the International Training Centre of the ILO in Turin, the Strategic Plan for 2018–21 represented a positive step, placing the Centre at the core of ILO efforts to adapt to a complex world. The Centre should continue to adapt its training programmes for ILO constituents on the policy outcomes.
- 601.** With respect to the analytical and statistical work of the Office, the wording in paragraph 213 was ambiguous; it was important to clarify that the constituents should determine how rights at work were to be measured in the Sustainable Development Goals (SDGs) framework and that the Office's role would be to implement their decision.
- 602.** Information about the Centenary Initiatives was spread throughout the report, rendering it hard to understand. Considering the importance of the initiatives, a separate section of the report should be dedicated to them, including more comprehensive information on the contributions of policy departments and regional offices to the initiatives.
- 603.** While an Office-wide approach to lessons learned was useful, maintaining outcome-based information so that concrete improvements could be made within policy outcomes and regions was important; however, that was not reflected in the report. The wide scope of work and the limits to what could be achieved within a zero real growth budget environment should not have prevented the Office from providing a more in-depth comparative and qualitative analysis supported by financial information. Much work remained to be done regarding the move from the measurement of activities and spending to the measurement of substantive results and lasting impact.
- 604.** The Employers' group fully acknowledged and genuinely appreciated the efforts made by ILO staff at headquarters and in the field. However, the report failed to meet the group's expectations. It called upon the Office to present a new document for a second discussion in November 2018, including: improved comparative analysis of the results against the programme and budget for the policy outcomes; improved analysis, giving meaning to quantitative measurements through stronger narratives on trends, changes and impact; improved financial analysis and clarity on how approved budgets were moved around; concrete substantiation of subjective and unmeasurable expressions; and the removal of analytical narratives that articulated policy directions not endorsed by the tripartite constituents.

- 605.** *Speaking on behalf of the Africa group*, a Government representative of Swaziland thanked the Office for the comprehensive report, which was of considerable length in view of the limited time available for its consideration and debate. The successful work of the ILO relied on the availability of financial resources, which were hardly ever sufficient. The integration of the different budgetary resources was central to the ILO successfully delivering on priorities and programmes. His group therefore urged the Office to strengthen and maintain development cooperation with all of its partners because it helped support the technical, organizational and institutional capacities of ILO constituents, enabling them to implement meaningful and coherent social policies and ensure sustainable development.
- 606.** Decent work had been recognized as a global goal and universal commitment following its incorporation into the United Nations SDGs. As part of international development efforts aligned with the SDGs, the ILO must continue to focus on the promotion of the Decent Work Agenda as a basis for enhancing political governance and stability in its member States.
- 607.** Increasing levels of unemployment, and particularly youth unemployment, called for a focus on employment-creation programmes. Strategies to combat unemployment could include: national programmes to strengthen small and medium-sized enterprises (SMEs) with a view to promoting entrepreneurship and self-employment; support to the constituents focused on the development of employment policies and youth employment strategies; the promotion of enterprise development; and the strengthening of labour market institutions. In that regard, the achievements highlighted in paragraphs 30–42 of the report were commendable. Development cooperation and the private sector played important roles in employment creation. More support was needed for programmes relating to the promotion of SMEs. His group commended the work conducted by the ILO in addressing requests for the review of cooperative laws and strategies and strengthening SMEs in various countries and expressed the hope that African countries would benefit from similar ILO support.
- 608.** Social protection remained a major challenge. More concerted efforts were needed to achieve policy outcome 3 on creating and extending social protection floors, with due regard to the regular budget allocation for that outcome when preparing the Programme and Budget proposals for 2020–21. There was a need for close scrutiny of whether the policy outcome could be achieved mainly through extra-budgetary expenditure.
- 609.** His group was encouraged that ILO cooperation with the BRICS countries (Brazil, Russian Federation, India, China and South Africa) had focused on social protection, formalization of the informal economy and the future of work. Retaining the ILO’s relationships with strategic development partners, including international financial institutions, remained key for the effective delivery of its mandate and programmes. The Future of Work Initiative had reshaped the profile of the ILO within the multilateral system and beyond, with 110 countries participating in tripartite national dialogues in that respect. His group anticipated that the global dialogue on “The Future of Work We Want”, which had taken place in April 2017, would be factored into the ten ILO policy outcomes in the Programme and Budget proposals for 2020–21.
- 610.** The need to strengthen African workers’ organizations had become increasingly apparent. In that regard, the work accomplished by the ILO was commendable but more remained to be done. During the biennium, there had been protracted and sometimes violent industrial actions in his region. That situation, coupled with competition between workers’ organizations, had weakened and fragmented the trade union movement. There was a need to build the capacity of union officials at all levels, with a view to providing core guidance on trade unionism, collective bargaining and joint negotiation. While the ILO had realized significant achievements in that regard through the programmes and courses offered at its International Training Centre in Turin, such activities could be decentralized to regional labour administration centres, such as the African Regional Labour Administration Centre,

which would reduce costs and improve access to training. The progress achieved in respect of ILO policy outcome 2 on the ratification and application of international labour standards was commendable. However, there remained a need for the ILO to ensure full compliance with those standards, including by assisting member States in strengthening their national labour inspection systems and policies. His group was pleased to note the performance results achieved during the biennium and further noted the detailed performance information on the Decent Work Results Dashboard. He encouraged the Office to be guided by his group's statement when implementing the Programme and Budget for 2018–19 and preparing the Programme and Budget proposals for 2020–21.

- 611.** *Speaking on behalf of ASPAG*, a Government representative of Australia thanked the Office for its efforts in producing the report, noting that it was well set out and included useful boxes and case studies. Given the importance of making the information accessible, the ILO should consider in the future providing guidance to the Governing Body to facilitate a targeted and constructive discussion; some information could have been presented in a table, in a shortened form. The online dashboard was a useful tool that could be further improved by attaching budget figures to each item and including hyperlinks to other relevant work.
- 612.** *Speaking on behalf of IMEC*, a Government representative of Turkey thanked the Office for the timely publication of the report and for the dashboard. The implementation of the Programme and Budget for 2016–17 and for 2018–19 would help the Governing Body draw lessons for the ILO centenary so as to be better prepared to address future challenges. The report was the last phase of a process started in 2014, to which IMEC had contributed. He thanked the Office for considering his group's proposals and expressed appreciation for the work done to date. His group attached equal importance to the implementation report and to the preparation of the programme and budget. Results-based management had played a key role in the planning and implementation of ILO work. However, concerns raised by IMEC during the 329th Session of the Governing Body regarding results-based management and accountability at the Office remained. In order to determine the effectiveness of an intervention, performance assessments should compare the outcomes of the implementation of a certain action to a hypothetical situation in which no action had been taken. The document had not provided information on the concrete impact of ILO work on the populations served; implementation reports should provide such information in future. IMEC welcomed the detailed information on strategic objectives, regional highlights and cross-cutting policy drivers, but duplication and overlap should be avoided. The implementation report should be concise and identify key points only, with details provided in annexes or web pages; the dashboard provided a good example of the successful use of new technologies to present information. Although the size of the data set would make the task of correcting errors and updating information a demanding job, the Office should ensure that data were current, and the dates of content updates clearly indicated, in order to eliminate confusion. Qualitative analysis of the programme's achievements could prove more important than quantitative analysis; the Office should therefore focus more on qualitative assessment methods in future programme implementation reports. IMEC attached great importance to the lessons learned and strategic pointers and urged the Office to take them into account in future programmes and, in particular, during the current biennium.
- 613.** *A Government representative of Nepal* aligned himself with the ASPAG statement. He expressed concern at the situation depicted in the report, noting in particular rising unemployment levels and obstacles to social protection and decent work. He expressed appreciation for the ILO's efforts to advance the Decent Work Agenda, the achievement of which remained of critical importance to efforts towards shared prosperity and the end of poverty and of central importance to the 2030 Agenda for Sustainable Development. The SDG targets would only be met through sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. There would be no inclusive economic growth without solutions to issues such as discrimination, wage

inequality and poor living standards among working people. His Government had taken steps to embrace international labour standards, paying particular attention to strengthening national legislation and investment in skills, infrastructure and job creation. Constructive cooperation with the ILO had also been instrumental to improvements in his country's employment policy. He expressed appreciation for an ILO initiative bringing together trade union organizations in Asia with a view to promoting the rights of migrant workers; the ILO's contribution to the process of the UN global compact for safe, orderly and regular migration; and the designation of international labour standards, social dialogue, gender equality and non-discrimination as key cross-cutting policy drivers in the Programme and Budget for 2016–17. He thanked the Office for extra-budgetary support received and called on development partners to continue providing funding to implement the Programme and Budget for 2018–19. He underscored the importance of the ILO's role in the achievement of the 2030 Agenda through its leadership on the Decent Work Agenda and inclusive development. Sustained success would depend on continued dialogue and collaboration between the Office and the constituents.

- 614.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that implementation reports had historically focused on the delivery of outcomes, indicators and targets and provided limited financial data since they were produced early in the biennium before the financial closure was complete. Reports submitted subsequently to the International Labour Conference had provided more detailed financial data. In response to the Governing Body's request for improved results reporting, in March 2017 the Director-General had advised of new approaches being trialled based on an attribution of staff costs, the Office's largest single input, to policy outcomes, enabling outcomes, country programme outcomes and cross-cutting policy drivers. The Director-General had also announced that a new approach would be introduced later in the 2016–17 biennium. The product of that work would enable an improved level of reporting on activities and costs in the implementation report produced at the end of the 2018–19 biennium. The improved results-based reporting contained in Appendix II of the 2016–17 programme implementation report resulted from that pilot system, and had been delivered one biennium earlier than had been foreseen. The revised approach was introduced at the end of 2017 and would facilitate enhanced multidimensional reporting, including on cross-cutting policy drivers, ensuring that future reports would feature more complete information for 2018–19. Reporting would be useful for Governing Body purposes and for managers. Requests for further comparative information had been noted and reporting would be further enhanced in the next biennium to include such information. Responding to specific questions from the Employers, he recalled that the allocation of extra-budgetary technical cooperation funds between outcomes was dependent on donor priorities and its distribution was therefore not completely determined by the Office. He clarified that the figure cited in paragraph 171 of the document relating to voluntary funding (\$603 million) referred to new voluntary contributions received or pledged in 2016–17, whereas the \$413 million figure quoted by the Employers referred to planned expenditure in that biennium; the two figures were not directly comparable, since new contributions could relate to future and multi-year projects. With respect to the variations between the estimates provided in the Programme and Budget for 2016–17 and the results reported in the programme implementation report, he recalled that the programme and budget was prepared some three years before its implementation. It was possible that some national priorities might change in that time. Moreover, some issues might prove more complex than initially thought, which could lead to discrepancies between resources initially allocated and those eventually required. In addition, a number of favourable financial factors, including gains incurred through foreign exchange movements and the failure of forecasted inflation to materialize, had resulted in lower spending levels across the Office. The significant progress achieved in financial reporting on a results basis for 2016–17 would continue to evolve on the basis of both the new tools available to the Office and the guidance of the Governing Body.

615. *A representative of the Director-General* (Director of the Strategic Programming and Management Department (PROGRAM)) thanked members of the Governing Body for their feedback. The timing of the discussion was important, as the comments of speakers would help guide the implementation of the Programme and Budget for 2018–19 and the development of the Programme and Budget proposals for 2020–21. He noted with particular interest the appreciation by members of the Governing Body of the Office’s efforts to innovate in respect of the reporting process and invited them to view the report and the dashboard as a single entity. Although some members had expressed concerns about structuring the report around the four strategic objectives, he explained that that decision had been based on: previous guidance and feedback from Governing Body members; article 15.3 of the resolution on Advancing Social Justice through Decent Work, adopted by the International Labour Conference in 2016; and recommendations made by the Multilateral Organisation Performance Assessment Network (MOPAN) and the External Auditors, endorsed by the Governing Body. Paragraphs 5 and 39 of the Programme and Budget for 2016–17 also confirmed that the 2008 ILO Declaration on Social Justice for a Fair Globalization provided the overarching framework for the programme in the biennium. Previous implementation reports had also focused on aggregates rather than specific outcomes, and the Office was now using innovative tools such as the dashboard to provide more information on policy and enabling outcomes and indicators, in addition to strategic objectives. The Office shared constituents’ concerns about the impact of ILO work and acknowledged that the Governing Body had requested a focus on impact assessments. It was important to note, however, that the implementation report was not intended to include a systematic assessment of impact, which in turn was the subject of evaluation reports. He emphasized that that would be examined at the current session of the Governing Body in the context of the discussion on the ILO’s results-based Evaluation Strategy for 2018–21. The implementation report 2016–17 did provide, however, indications that outcomes achieved had great potential to yield mid- to long-term impact on the populations served by the ILO.

Discussion of biennial results

616. *The Worker spokesperson* expressed support for the Office’s commitment to take on board the Governing Body’s guidance rather than write an entirely new report. Unlike the Employers, her group was not disappointed with the report. Indeed, a number of commendable achievements had been made during the biennium, despite the ongoing impact of the economic crisis. Numerous results were presented in the report and in the dashboard but many appeared small and fragmented; future reports should focus on larger, more integrated results. All four strategic objectives should be integrated in Decent Work Country Programmes (DWCPs), and efforts must continue to ensure tripartite ownership of DWCPs and better performance in terms of gender mainstreaming, in order to allow the ILO to make a distinctive contribution to the UN Development Assistance Frameworks in support of the 2030 Agenda. Conditional funding could be considered as a mechanism to ensure that all DWCPs include a balanced approach to decent work.

617. In respect of the strategic objective of employment, she welcomed the shift towards more holistic employment policies and asked whether the nine countries that had conducted a diagnostic analysis of the informal economy had taken the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) into account. Information on the type and quality of jobs created, in addition to their total number, would have been useful. She also asked how the five-part strategy on youth employment recommended in the 2012 Conference conclusions was being implemented, as the report did not seem to address all of its elements, specifically rights. Although the report mentioned improved working conditions under the Sustaining Competitive and Responsible Enterprises (SCORE) programme, the real situation remained to be established in view of concerns raised in its Steering Committee. In 2015, her group had requested that the Enabling Environment for

Sustainable Enterprises (ESEE) programme review should involve the groups' secretariats in addition to ACTRAV and ACT/EMP; that had not been done, and the social pillar had not been sufficiently addressed. On social protection, her group agreed that the strategic allocation of limited resources was key and should go hand-in-hand with continued advocacy work and strengthening of the ILO's knowledge and statistical base. She noted with regret, however, that social dialogue and tripartism was the only strategic objective not to include an analysis of the challenges facing the world of work and asked why such analysis had been omitted. In respect of fundamental principles and rights at work, denial of the right to freedom of association and collective bargaining was treated lightly in comparison with other fundamental principles and rights at work. Further work was needed to increase the ratification rates of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and of the governance Conventions.

- 618.** The regional highlights showed results to be in line with priorities. She asked the Office to clarify why there was so little analysis of rights at work and social dialogue in the Africa region. The fact that progress on strengthening employers' and workers' organizations and improving regional social dialogue deficits in the Arab States was below target called for a greater focus on rights in that region, specifically on the ratification of Conventions Nos 87 and 98. Rising inequality and persistent vulnerability in the Asia and the Pacific region would also require a rights-based approach. Regions should follow the example of the Europe and Central Asia region, where all countries had ratified all eight core Conventions.
- 619.** Her group attached great importance to the use of ILO evidence-based research to guide policy and welcomed the fact that the Turin Centre linked its activities to the ten policy outcomes. However, greater efforts were needed to address standards in its training activities and increase the participation of workers' and employers' organizations in its open courses. Ongoing Office efforts to engage in UN-wide processes were welcome. Public-private partnerships should be used to engage private stakeholders in the areas of labour relations and social dialogue, with a focus on company-union dialogue, for which the ILO could provide support and technical assistance. Because global partnerships for meeting SDG targets carried the risk of diluting tripartism and international labour standards, the ILO should ensure that social partners were adequately involved, and those partnerships should be used to promote the ratification and implementation of international labour standards. The International Conference of Labour Statisticians must also agree on how best to measure SDG indicator 8.8.2 on national compliance with labour rights. Her group supported the strengthening of the ILO's normative function, which should focus on ratification of Conventions in addition to their application. Furthermore, it agreed that restrictions in law and practice of the right to freedom of association and collective bargaining needed to be addressed in order to achieve decent work, and that the ILO should continue to focus on the development of strong and representative employers' and workers' organizations. Sufficient resources should be allocated to that work, as well as to incorporating gender issues across all policy outcomes in 2018-19. In future, the ILO should give clearer indications as to how workers' and employers' organizations were involved in delivering outcomes; how regional work had advanced the ratification of international labour standards; and which countries had achieved the most and the least progress towards an integrated approach to decent work, and why. It made sense to group results by strategic objective, which could be considered as an option to present outcomes in the Programme and Budget proposals for 2020-21.
- 620.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the ILO should continue forging partnerships outside the Organization as described in the report. It was encouraging that social protection targets had been exceeded, but new targets were perhaps needed to address outstanding challenges. Work should also continue on the Occupational Safety and Health Global Action for Prevention (OSH-GAP) flagship programme, with a focus on improving conditions for the most vulnerable. Although gender

had been introduced as a cross-cutting driver in 2016–17, there were no gender-based outcomes or indicators in the report, an omission that should be addressed in the next programme and budget. The Office should consider ways in which mobile technology could be used to reach workers and employers and help implement policies and programmes. More regular information was needed on the Centenary Initiatives in terms of how information from national dialogues was used and what was expected from members of the Global Commission on the Future of Work. Progress on the Initiatives should be reflected in the ILO's programme going forward. His group supported investing in skills, promoting the business case for social dialogue and focusing on lessons learned, which would require increased teamwork across the ILO. In the next biennium, the ILO should continue to explore online reporting and communication methods, promote e-learning, push its staff to work across subject areas by sharing experience, and redeploy staff in the field. Input from external experts and non-governmental organizations should also be sought where appropriate.

- 621.** *Speaking on behalf of IMEC*, a Government representative of Turkey said that the efforts to influence international policy processes should not be the ultimate objective, as the ILO should concentrate on its strategic objectives and the promotion of social justice through decent work. Cooperation with other UN agencies and international and regional entities – such as the OECD, the G20 and the BRICS countries – provided important opportunities to advance the Decent Work Agenda and create synergies at the global and regional levels; such cooperation should be continued in so far as it fell within the ILO's mandate, as should work on fair and effective labour migration policies. Although employment targets had been met in a quantitative sense, the figures on vulnerable forms of employment and youth unemployment showed that greater effort was needed to effect real progress. The Office should continue to work with constituents to update the knowledge base on the informal economy and reduce informal employment rates. Social protection and occupational safety and health were priority areas. His group therefore supported the Vision Zero Fund and the Occupational Safety and Health Global Action for Prevention (OSH-GAP) flagship programme and requested additional information concerning the global coalition on safety and health at work proposed during the November 2017 Governing Body session. Databases on industrial relations, labour inspection, undeclared work and the informal economy should include more countries and be integrated into one centralized source of information. Although the ILO's research activities were important, IMEC supported reducing reporting burdens and avoiding the proliferation of unnecessary printed documents; proposals to use digital technology to publish and share statistical data were therefore welcome. The Office should take the necessary measures to ensure that the biennial targets relating to the timely publication of documents and the reduction of total volume of words were achieved. The lessons learned contained in the report must be taken into consideration, together with the results of independent evaluations. Regarding budget and finance matters, results should be measured not only in terms of expenditures, but also in terms of improvements in working lives. The Office should analyse the reasons for which some targets had not been met and take action accordingly.
- 622.** *A Government representative of Sweden* explained that the objective of the Global Deal initiative was to enable all sectors of society to benefit from globalization. It focused on the potential of sound industrial relations and social dialogue to contribute to decent work, quality jobs and increased productivity. The Global Deal was not intended to compete with the activities of the ILO but to amplify them, benefiting from the commitment and cooperation of the ILO, trade unions, employers and governments. He stated his Government's willingness to discuss with the Employers' group how their concerns about the Global Deal could be met.
- 623.** *A representative of the Director-General* (Director, Strategic Programming and Management Department (PROGRAM)) responding to ASPAG, said that the Office had

introduced a system of markers, adapted from the UN gender markers system, to track progress in the implementation of the cross-cutting policy drivers set in the Programme and Budget for 2016–17. The Office had been increasing efforts to ensure that the markers reflected the actual contribution to the advancement of the cross-cutting policy drivers, including quality checks involving the Regional Offices, the outcome coordinating teams and the units in charge of those drivers.

624. Responding to a question from the Workers' group, he confirmed that the diagnostics of the informal economy in the nine countries had informed the development of national roadmaps during the biennium and that the guiding principles of Recommendation No. 204 had been taken into account. That Recommendation indicated that member States should carry out diagnostic analyses of their informal economy.
625. With respect to the EESE methodology, while the 17 assessments carried out by the Office had involved the participation of ACT/EMP and ACTRAV representatives at the country level, greater efforts were needed to include group secretariats.
626. *The Employer spokesperson* noted that his remarks referred to the Global Deal, not to the Government of Sweden. He reaffirmed that the Employers' group wished to distance themselves from the Global Deal and requested that the paragraph be removed from the document.
627. *The Director-General* said that the document, being an implementation report, was a record of work that had been done. It was therefore difficult to remove a paragraph, but divergent views would be reflected in the minutes.

Outcome

628. *The Office took note of the observations and guidance provided by the Governing Body.*

(GB.332/PFA/1.)

Second item on the agenda

Delegation of authority under article 18 of the Standing Orders of the International Labour Conference ([GB.332/PFA/2](#))

629. *The Employer spokesperson* expressed concern at the late publication of many of the Programme, Financial and Administrative (PFA) Section documents. The explanations provided on the website were appreciated, but the Office should improve its delivery of PFA documents. His group supported the draft decision.
630. *The Worker spokesperson* supported the draft decision.
631. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire was confident that the Chairperson of the Governing Body would ensure that consultations took place with the Government group, as outlined in article 18.3 of the Standing Orders of the Conference. He supported the draft decision.

Decision

632. *The Governing Body delegated to its Officers, for the period of the 107th Session (June 2018) of the Conference, the authority to carry out its responsibilities under article 18 of the Conference Standing Orders in relation to proposals involving expenditure in the 76th financial period ending 31 December 2019.*

(GB.332/PFA/2, paragraph 3.)

Third item on the agenda

Update on the headquarters building renovation project ([GB.332/PFA/3](#))

- 633.** *The Worker spokesperson* noted the developments in the building renovation that had taken place since the previous session of the Governing Body. She was satisfied that site safety was high but requested details of the incident that had occurred in 2017.
- 634.** Phase 2 of the renovation should start as soon as possible after the completion of phase 1 so as to minimize costs and benefit from the experience and expertise of the existing project team. With regard to financing, her group could support the option for a supplementary provision in the programme and budget. The option of a commercial loan was problematic, given that some member States had restrictions on contributing towards interest payments. She would like to hear the views of the Governments. Her group could also support the option of land development, with a preference for option (d) to pre-finance phase 2 with a special budgetary assessment to later be deducted from member States' regular budgetary assessment, thus avoiding additional financial costs.
- 635.** *The Employer spokesperson* was satisfied that the renovation works were on schedule and that the total budget for the initial works remained within the limits of the financial plan endorsed by the Governing Body. With regard to the financing of phase 2, the Employers' group preferred the options that would avoid interest charges or additional costs; in other words, including a supplementary provision in the programme and budget or approving land development. However, if the cost for phase 2 were to be included in the programme and budget, clarification of how that would be achieved was required from the Office. If the option of land development was chosen, the Employers' group was in favour of options (a) to (d), which would incur fewer costs.
- 636.** *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea requested that the decision be deferred to the 334th Session of the Governing Body, to allow for coordinated consultation with constituents, and proposed a corresponding amendment to the draft decision.
- 637.** *Speaking on behalf of the Africa group*, a Government representative of Cameroon noted that the financial costs and timing of phase 1 were running according to plan. Regarding the financing of phase 2, she wished to see further information on other options, including leasing the land. Consequently, she supported the Government group's proposal to defer the decision to the 334th Session of the Governing Body.

638. *Speaking on behalf of IMEC*, a Government representative of the United States noted the progress made on the renovation of the building since the previous session of the Governing Body but regretted the late publication of the document. He commended the Office for keeping to schedule, ensuring continuity of business and remaining within budget. He appreciated the Office's efforts to find tenants so as to generate income to support the renovations and requested a status report at the next session of the Governing Body.
639. Turning to the financing of phase 2, he inquired about the status of a Governing Body request to scale-back that phase of the renovations and whether the Office had identified and prioritized essential elements of the project, should full funding not be available. He requested the Office to share details of the discussions with local and national authorities, including an analysis of the advantages of either leasing or selling the land. He asked whether the Office had explored the option of interest-free loans for bridging finance and requested a risk assessment of the impact of the various options on the ILO's budget. Information was still missing regarding perimeter security and a cost analysis comparing unfunded requirements to projected revenue had not yet been provided. Given the complexity of the issue and the importance of the funding considerations, IMEC supported deferring the decision to the 334th Session to allow for further inter-sessional consultations and, also, supported the Government group's proposed amendment to the draft decision.
640. *A Government representative of Switzerland* expressed support for the proposed amendment to the draft decision. Speaking as the host country of the International Labour Office, he recalled that the privileges and immunities afforded by the host country agreement were set out to ensure the free operation of the Organization. If the Organization was not using its land for its own purposes, it could be sold, or leased to other international organizations. It was suggested in the document that the development of the land could involve profit-making activities, which was not compatible with the aims of the host country agreement. The host country and the Organization were bound by the agreement to observe the law and police regulations of the host country; and the Organization was not exempt from urban planning and development regulations. Once the land was sold or relinquished to a third party, it would no longer be occupied by the Organization for its own purposes and would no longer constitute ILO land under the host country agreement. Furthermore, he commented that Switzerland took no responsibility for the figures provided for the value of the land. The presentation of such figures was premature since the cantonal authorities were still considering the conditions applicable to development of the site.
641. *A representative of the Director-General* (Deputy Director-General for Management and Reform) encouraged member States to consider making voluntary contributions linked to the renovation of specific rooms and areas of the building as had been proposed by members during previous sessions. He announced that an open day would be held on 16 March 2017 for interested parties to view the renovated floors.
642. The Workers' comments regarding an accident referred to an incident in November 2017 in which a plasterer had injured the tip of his finger while using a handheld mobile circular saw. The ensuing investigation had concluded that there was no issue with the equipment or the site installation, and it was understood that the worker concerned had completely recovered.
643. In relation to the comments made by Switzerland, he stressed that the ILO was fully compliant with Swiss building regulations and laws. In 2012–13, the Office's recommendations to the Governing Body had led to a major review of the renovation proposals and cost estimates for that very purpose. He advised that with respect to the current development study there had been at least nine separate meetings with representatives of the different levels of the host and local government.

- 644.** With regard to the issues raised by IMEC, the Office had informed the screening group immediately following the November 2017 Governing Body session that the document would be late because it was dependant on a report that would not be available until February. Late documents were always regrettable but sometimes unavoidable owing to the short interval between the November and March sessions.
- 645.** The Office had not yet received confirmation of incoming tenants but was conducting serious discussions, with the option of a single tenant to take the available space in the building and a fall-back option of a number of smaller tenants. Priority was being given to finding tenants within the United Nations system. By the next session of the Governing Body, the Office should have more clarity on that matter.
- 646.** In relation to the priorities and description of phase 2 of the renovation, he referred the Governing Body back to document GB.326/PFA/3, which gave full details of the proposal for phase 2, and also document GB.328/PFA/3, which referred to the prioritization exercise. It would not be advisable to engage in expensive re-costing exercises until it was known whether there would be funding available to do the work.
- 647.** Extensive discussions had been conducted with a range of Swiss federal, cantonal and communal authorities by the consultants engaged by the ILO. The pros and cons of leasehold versus sale were being assessed. Depending on the results of that assessment, the final solution could be part-sale or part-leasehold, achieved by dividing the land into three zones.
- 648.** The Office was not aware of the availability of interest-free loans but would pursue that possibility with IMEC.
- 649.** There were no updates on the perimeter fence because discussions with the authorities had not yet produced a response.
- 650.** In relation to the amendment to the draft decision proposed by the Government group, the Office would be very willing to engage in detailed consultations on all the matters raised. However, the Governing Body was strongly encouraged to consider paragraph 42(b) of the document, which would approve the use of resources in the Building and Accommodation Fund up to an amount of 600,000 Swiss francs (CHF), for the purposes of obtaining a local development plan for the property. Once the local development plan was obtained, it could be transferred to an eventual leaseholder or purchaser and the potential value of the land would be known with more certainty. However, if the next steps could not commence until after November 2018, further delays in obtaining finance and additional costs would arise. It was consequently important to progress with the local development plan as soon as possible. If the Governing Body wished to defer decision-making on the financing options, the Office could accommodate that and would engage in consultations over the intervening period.
- 651.** Taking into consideration the Office responses and the subsequent deliberations, the Government group proposed a final amendment to the draft point for decision and the Governing Body was called upon to consider that proposed amendment.
- 652.** *The Worker spokesperson* reiterated her group's support for points 42(a), (b) and (c) of the original draft decision. A decision on the continuation of the renovation project should be taken in a timely manner, as delaying the process would involve further expenditure. Nevertheless, her group supported the proposed amended draft decision.
- 653.** *The Employer spokesperson* said that his group supported the proposed amended draft decision. It was important to prevent breaks between the phases of the renovation works, to avoid additional expenditure.

Decision

654. *The Governing Body:*

- (a) *without prejudice to future decisions on the financing of further renovations, approved the use of resources in the Building and Accommodation Fund up to an amount of 600,000 Swiss francs, to finance further studies of land development of lot 4057;*
- (b) *requested further inter-sessional consultations on phase 2 of the building renovation project; and*
- (c) *deferred further decisions to the 334th Session (October–November 2018) of the Governing Body.*

(GB.332/PFA/3, paragraph 40, as amended by the Governing Body.)

Fourth item on the agenda

Report of the Government members of the Governing Body for allocation of expenses ([GB.332/PFA/4](#))

Decision

655. *The Governing Body decided, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, to base the ILO scale of assessment for 2019 on the UN scale for 2016–18, and to accordingly propose to the Conference the adoption of the draft scale of assessment for 2019 as set out in the appendix to GB.332/PFA/4, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.*

(GB.332/PFA/4, paragraph 7.)

Fifth item on the agenda

Other financial questions

Programme and Budget for 2016–17: Regular budget account and Working Capital Fund as at 31 December 2017 ([GB.332/PFA/5](#))

656. *The Employer spokesperson* said that payment of assessed contributions could be very challenging for some countries and hoped that the Office would pursue its efforts and

incentives to minimize contribution arrears. The Employers were open to supporting the draft decision but would align themselves with the member States.

- 657.** *The Worker spokesperson* said that she would like more detailed information from the Office on which Business Process Review activities could not be absorbed by the current budget. She thanked the governments that had already settled their statutory contributions and hoped that others would follow in due course. She supported the draft decisions in paragraphs 8 and 18.
- 658.** *Speaking on behalf of the Africa group*, a Government representative of Swaziland supported the draft decision in paragraph 8 as the transfers were in accordance with article 16 of the Financial Regulations of the ILO and involved the same part of the budget (Part I). The financial challenges of executing phase 2 of the renovation project warranted transferring the net premium funds into the Building and Accommodation Fund. Nevertheless, she emphasized that the derogation of article 11.5 of the Financial Regulations should not be permanent but rather an exception due to the current circumstances. The Africa group hoped that the contribution to the Building and Accommodation Fund would avoid the need for the Office to propose the sale of Plot No. 4057 in the future. It supported the draft decisions in paragraphs 8 and 18.
- 659.** *Speaking on behalf of IMEC*, a Government representative of Finland said that her group did not support the derogation of article 11.5 of the Financial Regulations as: (a) derogation was meant to be used only in exceptional circumstances; (b) the Governing Body had not yet taken a decision on phase 2 of the building renovation and IMEC still had questions regarding the scope and timeline of phase 2; and (c) IMEC supported the redistribution and incentive scheme and too many derogations would be counterproductive. The maintenance and renovation of the Office required long-term planning and allocation of resources within the ILO budget. IMEC therefore wanted more detailed information about the financial status of the Building and Accommodation Fund and the allocations that were being made into that Fund. It did not support the draft decision.
- 660.** *A representative of the Director-General* (Treasurer and Financial Comptroller), replying to the Workers' question on the Business Process Review, said that there was no particular activity represented by the transfer. It was the amount that remained after all other reform costs had been absorbed.
- 661.** In response to IMEC's request for further details on the Building and Accommodation Fund, he explained that the Building and Accommodation Fund consisted of three components. The first component was for the long-term financing needs of all ILO-owned properties and was financed from Part IV of the budget. At the end of 2017, the balance of that account had been US\$5.4 million and the biennial provision for that part of the Fund in the 2018–19 budget was \$3.4 million. The second component was for the current headquarters renovation project. At the end of 2017, that component had a balance of CHF21 million, which was fully committed for phase 1 of the renovation project. The third component of the Fund was used for major maintenance activities, repairs and renewals of ILO-owned properties which could not be absorbed within the regular budget. It was funded through a biennial regular budget contribution of CHF397,000 and any net rental income receipts. At the end of 2017, that component of the Fund contained CHF7.5 million of uncommitted resources.
- 662.** *The Chairperson* said that while there was agreement about the draft decision in paragraph 8, that was not yet the case for the draft decision in paragraph 18.

Decision

663. *In accordance with article 16 of the Financial Regulations, the Governing Body approved the transfers between budget items listed in table 4 of Appendix I of document GB.332/PFA/5.*

(GB.332/PFA/5, paragraph 8.)

Audit and Oversight Segment

Sixth item on the agenda

Report of the Independent Oversight Advisory Committee

([GB.332/PFA/6](#))

664. *The Chairperson of the Independent Oversight Advisory Committee (IOAC), recalling the main responsibilities of the Committee as outlined in its terms of reference, said that during the period from May 2017 to January 2018, the Committee had met three times. The Committee had continued to engage with the Governing Body, the Director-General and the management of the ILO – including at the regional level – to ensure the communication and understanding that were essential to its oversight responsibilities. It appreciated the support and the tools that had been provided by the Office to assist it in effectively discharging its duties.*

665. *The Employer spokesperson asked the Office to prepare a short document for the next session of the Governing Body providing an overview of the ILO's auditing and oversight system and of the human resources and financial support available to it. With regard to recommendation 1, he asked how high priority audits were defined and for information on the average times for processing the referrals of allegations to the investigation unit; such information would help to find a solution towards clearing the backlog created in the investigation of allegations. Timely investigation was critical to avoid any additional risks that the Office might encounter as a result of a delayed audit. In order to develop the futurist skill sets mentioned in recommendation 4, the ILO management should map out constituents' evolving needs and provide adequate staff learning opportunities based on those needs. Although the Employee Profile provided useful information in that regard, more proactive engagement from the Human Resources Development Department would be required.*

666. *The Worker spokesperson noted with satisfaction that the IOAC had confirmed the independence of the External Auditor and welcomed the findings that the 2016 financial statements had been based on sound accounting principles and that the accounting policies and standards and the scope, plan and approach of external audits had been satisfactory. In general, her group supported the recommendations made in the report. With regard to recommendation 2, however, she requested clarification on what was meant by the need to develop metrics and additional approaches to accelerate the implementation process of the Enterprise Risk Management Framework. With regard to recommendation 3, she asked why there was a need for an additional external assessment of the Information and Technology Management Department (INFOTEC), given that the department had already undergone the business process review. With regard to recommendation 1, consideration should be given to whether more internal capacity should be allocated to efforts to clear the backlog created*

in the investigation of allegations before resorting to additional outsourcing. With regard to recommendation 4, the Human Resources Development Department should consult with the ILO Staff Union on the implementation of workforce planning approaches. It was crucial that managers should support their staff in developing new skills and adjusting to change. Her group welcomed the Office's follow-up to previous IOAC recommendations, which had resulted in the closure of ten of those.

- 667.** *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC fully endorsed the benefits, value and mission of the Committee and appreciated the work that it had undertaken since December 2016 with only four members, in particular its visit to one of the regional offices. IMEC supported all of the Committee's recommendations, in particular recommendations 1, 2 and 3. With regard to recommendation 1, IMEC welcomed the allocation of additional funding to the Office of Internal Audit and Oversight (IAO), but noted that the continued increase in the number of allegations had affected the IAO's resources. More information should be provided as to what additional steps would be taken to reduce the investigation backlog. Failure to resolve cases in a timely manner might prevent staff from reporting cases. With regard to recommendation 2, IMEC appreciated the progress made by the Office in implementing the Enterprise Risk Management Framework and would welcome examples of metrics that could be developed to improve accountability and responsibility. The Organization's use of information technology (IT) systems was also appreciated and the Office should pay further attention to digital transformation, including the use of big data and analytical tools, as indicated under recommendation 3. IMEC noted the Committee's general satisfaction with the implementation status of its previous recommendations and trusted that it would continue to monitor any outstanding issues. The timely implementation of the recommendations by the Office was appreciated.
- 668.** *The Chairperson of the IOAC* recalled, with regard to recommendation 2, that the implementation of the Enterprise Risk Management Framework in the ILO had produced results, including the new IT-based risk management module, which, together with other initiatives such as training, had helped managers to make risk management a daily decision-making tool. The adoption of certain metrics and approaches, such as risk management maturity assessment and risk dashboards, could now be considered as they would further assist managers in achieving objectives on a priority basis.
- 669.** With respect to recommendation 3 and in view of the fact that the list of the top five global risks by perceived likelihood included IT-related risks, implementing an effective IT function was key to the achievement of any organization's strategy. Given the technological changes that had occurred since the last external assessment of the ILO's IT function, the issue should be included in management's discussions to identify areas for improvement in INFOTEC. An external quality assessment would build on the results of the business process review, which had identified certain internal IT policies and practices, and accordingly had developed initiatives to improve process efficiency and team management. An external quality assessment would identify the current maturity level of IT function, examine its development since the last assessment and compare it with the Organization's targets. The assessment and the business process review were thus complementary and did not constitute a duplication of efforts.
- 670.** Regarding recommendation 1, the Committee had been discussing with the IAO the possible allocation of internal capacity to clear the backlog created in the investigation of allegations. It had advised the IAO to hold a discussion on that matter with the Human Resources Development Department and to report on the outcome.
- 671.** *A representative of the Director-General (Chief Internal Auditor)* said that the five factors used to prioritize investigations were: potential financial impact; environment of allegation;

seriousness; risk of tampering of evidence; and eventual impact on operations if substantiated. The time required to consider a referral varied in each case, as some referrals could be closed quickly after preliminary assessment and those that led to full investigations took longer, depending on their nature and complexity. There had to be a balance between using internal capacity where it existed, and outsourcing investigations where specialized skills would not be cost effective to have in house, such as IT forensic skills or forensic accounting that required knowledge of local language and environment. He noted that the backlog in the investigation of allegations had been reduced to 39 cases, which included seven referrals since the beginning of 2018, and said that the Office would continue to work to reduce that backlog, including by outsourcing investigations where appropriate.

Outcome

672. *The Office took note of the observations and guidance provided by the Governing Body on the Report of the Independent Oversight Advisory Committee (IOAC) and its recommendations as set out in document GB.332/PFA/6.*

(GB.332/PFA/6.)

Seventh item on the agenda

Report of the Chief Internal Auditor for the year ended 31 December 2017 ([GB.332/PFA/7](#))

673. *The Worker spokesperson* noted with satisfaction that no major weaknesses had been identified in the ILO's system of internal control in those areas subject to an internal audit in 2017, and that the audit of the headquarters building renovation project had concluded that the project was progressing well. Greater efforts were needed to address the issues relating to banking and tax exemption noted in the field audits, which had also been highlighted in previous internal audit reports. She agreed with the recommendation that the Gender, Equality and Diversity Branch should be given the opportunity to consider relevant gender and diversity issues before a Decent Work Country Programme (DWCP) agreement was finalized.

674. *The Employer spokesperson*, noting the finding that continued attention was required to further improve and reinforce the ILO's internal control environment, said that the increasing number of referrals was of concern. The Office might need to conduct more rigorous background checks of ILO officials, offer more training on fraud and the abuse of ILO resources, and introduce stronger checks and balances in reoccurring cases. The Office should provide an analysis of the types of cases that had been substantiated in recent years. In respect of human resources issues, further improvements should be made by regional and country offices to minimize vacancy periods, ensure the coordination of project activities, and clarify roles and responsibilities. There was a need to work with regional and country directors and partners to ensure that the Office was able to respond in a timely manner to constituents' needs. Noting the lessons learned from investigations, he said the Office should also reflect on lessons learned from previous investigations and report on their implementation.

675. *Speaking on behalf of the Africa group*, a Government representative of Mauritania took note of the information provided on the activities of the Office of Internal Audit and Oversight (IAO). He recognized the importance of creating a knowledge-sharing

infrastructure across the Organization and noted that the renovation of the ILO headquarters building was progressing well in terms of time, cost and risk management, despite delays during stage one. He expressed support for the main observations that had resulted from the field audits. The work of the Chief Internal Auditor was of a high quality and very useful when evaluating the strengths and weaknesses of the Office, and its procedures.

- 676.** *Speaking on behalf of IMEC*, a Government representative of the United States, emphasized the value IMEC attached to the mandate of the IAO and encouraged the Office to implement the 2017 audit recommendations as quickly as possible, especially those assessed to be of high importance. She asked what steps the Office was taking to address the recurring financial issues relating to banking and tax exemptions. Noting the high rate of implementation of the recommendations contained in audit reports issued in 2016, she asked whether all of the recommendations issued in years prior to 2016 had also been implemented. She requested more information on how the Office was addressing the issues identified during investigations. Future reports should include information on the amount of money lost by the Office as a result of substantiated claims of fraud, and on efforts being undertaken to recover those funds.
- 677.** *A Government representative of Mexico* noted with satisfaction that so many of the recommendations had been accepted by the Office. Regarding the increase in the number of allegations of fraud, he noted the number of pending and active cases and asked what financial impact or other repercussions those cases could have for the ILO.
- 678.** *A representative of the Director-General (Chief Internal Auditor)* said that the IAO carried out at least two follow-up audits in each biennium in order to verify the status of recommendations that had previously been accepted, and the results were submitted to the Governing Body in its annual report. As it was not cost effective to verify the implementation of every recommendation, a risk-based approach was taken when identifying follow-up audits. The Office did indeed take action on the issues identified during investigations. Many of the issues had been reflected in the current report because fraud was one of the risk factors considered in internal audits. For example, the IAO made recommendations in its internal audit reports on how to improve the monitoring and selection of implementing partners, in order to reduce the risk of fraud and ensure the effective delivery of projects. He agreed that the amount of money lost from fraud cases could be included in future reports, provided that there were no legal constraints.
- 679.** *A representative of the Director-General (Treasurer and Financial Comptroller)* said that, with regard to the recurring financial issues raised in the report, the Office had been surprised to learn that the banks in two of the offices visited had not acted upon instructions to update the signatory. Thus, the Office would be seeking confirmation on an annual basis from each of its banks that those lists were correctly maintained. The Office was using e-banking facilities in 51 ILO locations; however, the appropriate banking infrastructure did not exist in a limited number of other countries and, in some cases, legal issues with local banks relating to the ILO's status as an international organization were still to be resolved. The Office would continue to work with United Nations Resident Coordinators and relevant national ministries to find appropriate solutions to the recurring challenges surrounding the payment of value added tax, particularly in countries where the ILO was a non-resident agency.
- 680.** *The Chairperson* said that in accordance with established practice, the Office would submit to the Governing Body at its 335th Session a report on follow-up to the recommendations of the Chief Internal Auditor.

Outcome

681. *The Office took note of the observations and guidance provided by the Governing Body with regard to the report of the Chief Internal Auditor and its recommendations.*

(GB.332/PFA/7.)

Eighth item on the agenda

ILO results-based Evaluation Strategy 2018–21

([GB.332/PFA/8](#))

682. *The Worker spokesperson supported the ILO results-based Evaluation Strategy 2018–21 and its three Organization-wide outcomes, which were aligned with the Evaluation Policy approved during the Governing Body’s session in November 2017. She encouraged the Evaluation Office (EVAL) to continue supporting the role of evaluation in the context of the Sustainable Development Goals, particularly strengthening the capacity of workers’ organizations to monitor and evaluate progress at the country level, as reflected in outcome 1.3 Mainstreaming evaluation training was a sound approach, provided that training was adapted to the needs of the tripartite constituents. Referring to indicator 1.2.2 on the ILO evaluation network, she asked whether the Office had foreseen additional resources to establish evaluation staff in the regions and each department. Tailoring evaluations to the ILO’s normative mandate and tripartite structure was important to the Workers’ group, and the added value of the ILO mandate could be more precisely captured under indicators 2.2.1 and 2.2.3. She agreed that the use of strategic cluster evaluations would allow coverage of broader performance issues; the four strategic objectives of the ILO would provide a useful structure for larger and more integrated cluster evaluations. The discussion on the Programme Implementation Report and the issue of cluster evaluations should be linked to the discussion on the Programme and Budget for 2020–21. It would be useful to make reference to the six core principles of the Evaluation Policy, including gender equality and non-discrimination, in the Evaluation Strategy’s indicators. Her group supported the draft decision.*

683. *The Employer spokesperson reiterated the importance of the ILO Evaluation Policy, and thanked the Office for the quality of its work. He stated that the benefit of evaluation was clear and agreed that evaluation findings should play a more significant role in influencing decision-making. He emphasized the need to strengthen the evaluation culture within the Organization and base it on the achievement of results to improve global performance and organizational learning, and thereby enable the ILO to better fulfil its mandate. Significant progress had been made in results-based evaluation, but further progress was possible based on the theory of change to operationalize the Strategy. The results framework would improve the Organization’s capacity to measure its results and impact, and thereby improve its credibility. Although presented somewhat differently, the main indicators and targets covered the five points considered essential by the Employers’ group: capacity development for staff and constituents to establish a stronger evaluation culture, with incorporation of the SDGs; the clustering of evaluations as part of a more rational approach; a reduced overall number of evaluations but increased use of impact evaluations; an appraisal function from project design to implementation, with systematic use in post-evaluation follow-up; and improved management responses to recommendations alongside improved use of evaluations in strategic guidance. In particular, the Office should use evaluation findings to respond more effectively to its constituents’ needs, and should develop a more systematic method for assessing those needs. The automated system to track the management responses*

to recommendations, with an emphasis on quality, was a sound proposal. The Employers agreed that the evaluation function would depend on the enabling environment provided within the Organization and by constituents, particularly the Partnerships and Field Support Department (PARDEV), the Strategic Programming and Management Department (PROGRAM) and technical departments, and would closely monitor the development of such an environment. The Employers' group endorsed the draft decision.

- 684.** *Speaking on behalf of the Africa group*, a Government representative of Cameroon commented on the high level of maturity of the Office's evaluation function. The group welcomed the Strategy, which would improve the effectiveness of the evaluation function, develop an evaluation culture among constituents and staff, strengthen capacity and ensure the application of ILO standards. She encouraged the Office to continue building the capacity of its constituents to allow them to evaluate their projects and programmes objectively. The Africa group supported the draft decision.
- 685.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom noted the significant progress in the evaluation function since the introduction of results-based management. She acknowledged the role evaluation played in conducting more concrete results-based assessments. However, the Strategy failed to address the shortcomings in capturing gender concerns highlighted in the Multilateral Organization Performance Assessment Network's independent evaluation of the evaluation function, and the review of the Action Plan for Gender Equality 2016–17; she therefore strongly recommended that the Strategy should include a separate outcome and indicator on quality in relation to gender equality.
- 686.** It was important for evaluations increasingly to inform ILO decision-making, but it was not clear from the theory of change diagram what would motivate decision-makers to use evaluation findings and recommendations in their planning, organizational learning and decision-making. She therefore suggested including the enhanced evaluation culture and incentives for using evaluations at the bottom level.
- 687.** Regarding outcome 1.1, she welcomed the emphasis on quality assurance and timeliness of independent and internal evaluations, and requested clarification of the criteria for timeliness. On outcome 1.2, certifications were useful for building capacity, and including evaluation responsibilities in job descriptions would ensure that certifications were put to good use. In relation to outcome 1.3, she asked who the intended constituents would be, what criteria would be used to ensure long-term benefit and value for money when conducting capacity-development initiatives with constituents on monitoring and evaluation, and whether that training would take place in countries with Decent Work Country Programmes (DWCPs) or other development cooperation activities.
- 688.** The implementation of fewer, more strategic evaluations could be an effective approach, but evaluations should be done thoughtfully – not simply to reduce costs. She requested the Office to provide examples of when cluster evaluations would be the best approach, and details of its vision of the trust fund for pooling resources mentioned in outcome 2.1. She also requested further information regarding the new evaluation models, frameworks and guidelines specific to the ILO's mandate as outlined in outcome 2.2. Regarding indicator 2.2.1, she noted that, since 1992, the ILO had used the evaluation criteria of the OECD Development Assistance Committee. She remarked that there was little guidance with regard to sustainability. She suggested that that might be a useful addition to the next Strategy. The introduction of an ex-post quality analysis as described in outcome 2.3 was welcome; however, it was unclear how giving the technical departments oversight responsibility with improved technical support from EVAL would improve quality, as additional funding and highly specialized expertise were required. Given increased donor

interest in funding impact evaluations, she encouraged the Office to seek collaboration to avoid duplicating efforts and ensure findings were widely shared.

- 689.** The emphasis on using evaluations to ensure linkages between DWCPs and the SDGs should take account of the fact that each country has its own national policies and priorities in working towards the achievement of the SDGs.
- 690.** The group fully supported the focus in outcome 3 on improving the accessibility of evaluation information, notably through the i-eval Discovery platform, which should include the findings of external evaluations and links to non-ILO sources covering related topics. Further information on the proposed automated system on the follow-up to evaluation recommendations would be welcome. IMEC supported the draft decision.
- 691.** *A Government representative of India* complimented the Office on its comprehensive Evaluation Strategy, which was aligned with corresponding ILO policy and documents, particularly in relation to the Organization's role as a knowledge leader and its contribution to the efficient use of resources, as that was essential to deliver effective services to member States. He endorsed the draft decision.
- 692.** *A Government representative of China* supported the Evaluation Strategy as a way of transforming the ILO into a learning organization. He noted the focus on independent evaluations and improving results-based management. The evaluation principles contained in the Strategy would help evaluations to become more decentralized. The Office should strengthen its information gathering capacities and the follow-up management system to evaluation recommendations. Evaluation indicators should be in alignment with the SDGs and DWCPs. Evaluation activities should be conducted in a timely fashion and the capacity of evaluation staff should be strengthened in all regions and departments. High-quality evaluations must go hand in hand with effective application of the findings. He encouraged all regions and departments to share information in a timely manner for effective policy interventions. He supported the draft decision.
- 693.** *A representative of the Director-General* (Director, Evaluation Office (EVAL)) welcomed the overall support for the Strategy, including the concept of clustering. He agreed that additional work was required to establish how evaluations would be clustered; a methodology and procedure would be developed and piloted under the Strategy. Clustering would be thematic, and possibly under an overall country programme evaluation. The pooling of funds in a trust fund for clustered evaluation would have to be agreed upon with donors. One example where clustering would be appropriate was where a country had five donors all supporting the same thematic topic. Clustering would also reduce the evaluation burden for constituents. The theory of change had been established at the Organization level and was based on best practices. It rested on the assumption that there would be an enabling environment to support sound monitoring and reporting, with a strong organizational learning culture as a prerequisite. Regarding ILO-specific evaluation approaches, work would be done to better incorporate the ILO's normative standards in social dialogue into evaluation methods while respecting the evaluation criteria of the OECD Development Assistance Committee. Sustainability was already included in the ILO approach and would be further strengthened.
- 694.** As to the questions on gender, the Evaluation Policy called for evaluation approaches to be more inclusive of human rights and gender issues. Although there was no specific indicator in the Evaluation Strategy, there was an indicator on evaluation in the Organization-wide Action Plan for Gender Equality, and reporting against that indicator would ensure accountability. The Evaluation Office would also endeavour to improve gender coverage in the new evaluation approaches under development.

- 695.** Training activities for measuring progress under the Decent Work Agenda and the SDGs would indeed be tailored to constituents' needs and would ensure that they are not overly burdened. The ILO would focus on the Decent Work Agenda, with training and diagnostics related to the SDGs provided only where requested. In response to the Worker spokesperson's question on staffing, he explained that the Evaluation Office was not requesting additional funding, as there were evaluation officers funded from the regular budget in every region, and focal points in every department. Rather, the Strategy called for a better recognition of the focal point role, performed on a voluntary basis in performance appraisals, and a review of reporting lines to ensure maximum independence for regional evaluation officers.
- 696.** Responding to questions on impact that had also been raised during the discussion in the Programme, Financial and Administrative Segment on the report on ILO programme implementation 2016–17, he explained that impact evaluations were performed selectively at the ILO due to the fact that performance indicators in the ILO's programme and budget and most projects were outcome and not impact indicators and the considerable expense involved in rigorous impact evaluation. Impact evaluations in the ILO were used as learning rather than accountability tools and were aimed at demonstrating that the ILO's work in supporting policies and intervention models had the desired impact. As to the i-eval Discovery platform, coverage would be improved to include more internal and external evaluations. Lastly, the automated management response system to evaluation recommendations replaced the manual system using Excel. It automatically generated a table with all the recommendations from a project evaluation, and sent reminders to managers to input data. It would also serve as a repository, with potential for donor access.

Decision

- 697.** *The Governing Body endorsed the Evaluation Strategy 2018–21 outlined in paragraphs 1–31 of document GB.332/PFA/8.*

(GB.332/PFA/8, paragraph 32.)

Personnel Segment

Ninth item on the agenda

Statement by the staff representative

- 698.** The statement by the staff representative is reproduced in Appendix III.

Tenth item on the agenda

Amendments to Staff Regulations

- 699.** There was no document under this agenda item.

Eleventh item on the agenda

Update on the decisions taken by the International Civil Service Commission (ICSC) at its 85th Session regarding the post adjustment index for Geneva (GB.332/PFA/11)

700. *The Worker spokesperson* noted that, while the post adjustment index for Geneva could be considered an in-house issue, it was not an issue of lesser importance. The decision made by the Governing Body would have an impact not just on ILO staff members and their families, but everyone linked to the United Nations system. That responsibility was keenly felt by her group.
701. When the Workers' group had approved the Governing Body's decision on the issue in November 2017, it was in the hope that the problems arising from the methodology of cost-of-living surveys would have been addressed by the ICSC, taking into account the concerns raised by staff and the Geneva-based management. That had not happened and document GB.332/PFA/11 presented a large number of concerns.
702. The statement by the Chairperson of the ILO Staff Union had borne witness to rising tension and multifaceted problems within the UN system in Geneva and around the world, concerning salary-setting methodology. Demonstrations and strikes had taken place and were likely to continue. UN staff members had started a campaign to reform how working conditions were set and were calling for an urgent review of the ICSC's governance structure, regulations and rules to create an accountable body that followed a transparent, balanced, credible, participatory and fair process and methods that included the principles of collective bargaining. Growing mistrust and anger had also been indicated and there was decreasing confidence among staff that social dialogue and fundamental rights at work were respected by management.
703. The ILO and its constituents would soon be celebrating the Organization's centenary, which was a unique opportunity to demonstrate the benefit of social dialogue and the rights-based approach on which the Organization was built. UN reform and the place of the ILO in the renewed common system should also be taken into consideration. Expectations were high that the outdated governance structure and processes of the ICSC would be reviewed.
704. Her group supported the Office position, outlined in the document, on the importance of a single, unified UN common system. A common system implied functioning dialogue between UN agencies and the ICSC on all issues relating to working conditions and wages, and the implementation of administrative decisions on a sound and legal basis. While the report of the ICSC consultant generally concurred with the earlier findings of the Geneva-based team of experts, and included 64 recommendations for improvement, the fact that it had not examined many of the specific issues and serious methodological, legal and managerial concerns raised with regard to the results of the 2016 cost-of-living survey by UN system organizations and staff federations demonstrated a severe lack of cooperation and consultation.
705. The 64 recommendations for improvement opened the door for a considerable number of legal challenges by officials at duty stations. It should be noted that the introduction of the revised post adjustment multiplier for Geneva would reduce net home pay by 5.1 per cent by the end of June 2018, despite the recommendation in the report that compensation policy

required reasonable stability in salary and avoidance of sudden major drops in value. The drop in salary and in confidence would impact staff morale.

- 706.** The problem before the Governing Body went beyond whether to implement or delay the decision by the ICSC. The common system faced a decisive moment. Confidence needed to be re-established and tribute paid to the justified concerns of staff and experts. Dialogue between management and staff, and the review of salary-setting methodologies should not be further delayed. That review must start immediately and should be integrated in discussion on UN reform and be conducted in a transparent and well-structured manner. The outcome of discussions at the 86th Session of the ICSC, which was ongoing, would be important and she asked whether the Office was able to share any information on those discussions.
- 707.** The decision of the Advisory Committee on Post Adjustment Questions (ACPAQ) to rectify shortcomings in the statistical aspect of the ICSC's methodology in future was a cause of concern, as was the ongoing reduction in officials' net take-home pay and the decision, contrary to expectations, not to reflect the increase in United States federal civil service salaries in the ICSC calculations and thus offset the salary reduction. Two principles at the heart of the UN – transparency and accountability – had been fully disregarded by the ICSC.
- 708.** Given the importance of the decision made by the Governing Body for the whole UN system, the ILO should lead by example and demonstrate how to build a more accountable and better adapted UN governance structure for the future.
- 709.** The Workers' group could not support the draft decision. Although she could support subparagraph (a) as drafted, (b) should be deleted. She suggested that (c) should be amended to read: "requests the Office to continue to actively engage with the ICSC at its 86th Session and beyond with the objective of reforming the post adjustment and other salary survey methodologies. The reform process should guarantee the full involvement of the UN workers' federations and respect the basic principles of social dialogue."
- 710.** *The Employer spokesperson* said that he was aware of the difficulty of the topic for the Governing Body and the Director-General. The draft decision presented was most troubling. Staff should be treated as the Organization's most valuable asset and the Governing Body should be in a position to make well-informed decisions, based on quality information, when exercising its fiduciary duties in the best interests of the ILO, its constituents and staff.
- 711.** Despite the Governing Body's request of November 2017, the ICSC had not taken the expected steps to provide the required information by addressing methodological, legal and managerial concerns, meaning that the tension between the ICSC and the Geneva-based agencies was unresolved and the potential legal risks were unmitigated and increasing. The final report by the ICSC independent consultant did not provide a cost-benefit analysis of implementing the revised post adjustment index. Furthermore, ACPAQ had agreed to implement only 50 of the 64 recommendations made in the report, all of which addressed the future not the present situation, and did not tackle the concerns raised by the Governing Body in November 2017.
- 712.** Since the findings of the ICSC independent expert largely concurred with the earlier findings of the Geneva-based team of experts and its concerns regarding the adequacy of the methodology used, he wished to know how the Governing Body could rely on the ICSC's analysis and recommendations while exercising its fiduciary duties. The ICSC consultant had reached the conclusion that the current methodology was a long way from being fit for purpose, thereby validating the position of his group that pay should not be cut before a solid and technically unchallengeable methodology had been worked out. Taking any other position would amount to endorsing arbitrary decisions.

- 713.** It was regrettable that the independent consultant had not been in contact with the ILO or other Geneva-based organizations. That lack of transparency and communication from the ICSC did not meet the Employers' group request that a position should be agreed between the ICSC and the Geneva-based organizations, while calling into question the independence of the review.
- 714.** He commended the Office for alerting the Governing Body to the potential for legal challenges from its staff. Indeed, at the 86th Session of the ICSC, the United Nations Under-Secretary-General for Management had confirmed that recent decisions linked to cost-of-living survey outcomes had led to unusually high and growing numbers of appeals from staff. Collective action by staff could have dire consequences and reduce productivity, while pay cuts of such magnitude had a negative impact on staff morale. It was anticipated that staff action would disrupt the daily work of organizations and affect the implementation of UN reform.
- 715.** Furthermore, the ILO faced serious reputational risks if it implemented a pay cut that had scant rational basis and was contrary to the values and principles of social justice for which the Organization was known throughout the world, particularly in the light of its upcoming centenary. The Secretary-General, in his speech on UN reform in September 2017, had emphasized the need for the UN to focus on people and the staff that worked to support them. It was unconscionable to demand that staff should work under the ILO flag to improve lives while the governors of their Organization did not protect their conditions and livelihoods.
- 716.** It would be irresponsible for the Governing Body to note that a decision exposed the Organization to potentially huge legal challenges and then instruct the Office to implement it. It appeared that the ILO was being asked to uphold the principle of internal equity and consistency with the UN common system at the expense of the principle of fair treatment of staff and adherence to the Organization's core values. The selective and expedient approach taken to values and principles was shocking. Lobbying and bullying was leading the Governing Body to lose sight of its conscience.
- 717.** For nearly 100 years, governments, workers and employers had come together in dialogue around a table of shared values. The ILO's unique comparative advantage, relevance and legitimacy, based on tripartism, social dialogue and consensus building set it apart; some agencies were awaiting the decision by the Governing Body because they believed that the tripartite structure would lead to the right decision.
- 718.** As the Director-General had noted during the Governing Body's current session, the revised post adjustment index raised managerial, methodological and legal questions for the ILO and had a major impact on Professional and higher category staff at headquarters and potentially in the field. While the integrity and authority of the common system should be safeguarded, the ICSC should ensure independent and impartial functioning in the discharge of its mandate.
- 719.** The Employers' group was not in a position to instruct the Office to implement the pay cut nor to endorse the draft decision. The proposed course of action was not in line with decent work practices, the values and principles espoused by the Organization as the protector of workers' rights in the world of work. As responsible employers, fair treatment of staff was of the utmost importance. The ILO could not claim to be the UN specialized agency mandated to address the world of work when it let its own employees down with ill-conceived decisions.

720. He therefore proposed amending the draft decision to read:

The Governing Body:

- (a) takes notes of the legal issues and risks associated with the implementation of the results of the 2016 cost-of-living survey in respect of the duty station Geneva; and consequently instructs that the revised post adjustment index decided by the ICSC not be implemented;
- (b) [deleted];
- (c) requests the Office to continue to actively engage with the ICSC at its 86th Session and beyond with the objective of reforming the post adjustment and other salary survey methodologies, and ensure that the new methodology is applied for any post adjustments. The reform process should guarantee the full involvement of the UN workers' federations and respect the basic principles of social dialogue;
- (d) requests that any further proposed actions or determinations on this matter be returned to a future session of the Governing Body for consideration and determination.

721. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that it was regrettable that Geneva-based organizations had not been consulted regarding the terms of reference for the post adjustment index review and the appointment of the external consultant. Neither the consultant's work nor the review process as a whole had been transparent or participatory, which was particularly puzzling given that the ILO was charged with upholding standards, tripartism and social dialogue. Moreover, the team of statisticians hired by the Geneva-based UN agencies had identified a number of errors that called into question the reliability of the survey's outcomes. For those reasons, the Africa group did not support the draft decision. The Director-General, in collaboration with the executive boards of other UN agencies, should continue engaging with the ICSC to negotiate an improved survey methodology.

722. *Speaking on behalf of ASPAG, the Eastern European Group, the Western European Group and IMEC*, a Government representative of Australia thanked the Office for its constructive engagement with the ICSC. He supported continued dialogue, including on the implementation of the recommendations made by ACPAQ, with a view to improving the post adjustment methodology for the future in line with the fundamental principles enshrined in the ILO Constitution.

723. He recalled that UN General Assembly resolution No. 72/255 of 24 December 2017 had been adopted unanimously by UN member States and called on all members of the UN common system to implement the ICSC's decisions regarding the results of the cost-of-living surveys without undue delay. While noting the Office's concerns surrounding the legal consequences of implementation, he also recalled that failure to fully respect the decisions taken by the ICSC could result in a loss of the benefits of the common system, including participation in the UN Joint Staff Pension Fund. He therefore fully supported the Office in applying the revised post adjustment index and endorsed the original draft decision.

724. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that the revised post adjustment should have been implemented automatically by the Office instead of being submitted for endorsement before the Governing Body. IMEC did not consider the post adjustment mechanism to be a cost-saving measure. Rather, it was a key tool for harmonizing compensation across the UN system and ensuring equal pay for work of equal value among UN staff. According to UN General Assembly resolution No. 72/255, non-compliance with ICSC decisions could prejudice staff's participation in the UN Joint Staff Pension Fund. IMEC therefore advocated continued cooperation and engagement with the ICSC with a view to adjusting the methodology for future post adjustments and supported the draft decision.

725. *A Government representative of Uganda* said that the expression “post adjustment” masked the fact that the matter affected livelihoods, health, mortgages and, above all, the stability of families. While he supported the idea of a unified international civil service, the methods used in the development of its standards must be fair. In other words, any post adjustment for Geneva-based UN staff must be based on unquestionably sound analysis. However, the Office document revealed quite the opposite, highlighting serious flaws in the methods applied in the proposal for the adjustment of workers’ wages. For that reason, it was not proper that the Office document concluded by requesting the Governing Body to apply the post adjustment index to Geneva-based staff.
726. The ILO was a standard-setting body that promoted the underlying principles of labour standards, including social dialogue. It was therefore unacceptable that there had been no consultations with workers. Indeed, the Office document did not even mention the ILO Staff Union, despite that body being duly recognized in the provisions of Conventions Nos 87 and 98. He questioned the value of Convention No. 98 for defending the rights of sugar-cane workers in his country and others if the ILO itself could reduce its staff members’ wages without consultation. Moreover, he recalled that the right to collective bargaining applied to all those who requested it. If other UN staff had chosen not to exercise their rights, that did not justify undermining the right to consultation of ILO staff.
727. The Annex to the Statute and Rules of Procedure of the ICSC provided that the UN and the ILO agreed to “[c]o-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters”. The matter was not, therefore, a *fait accompli*; if it were, it would not be before the Governing Body. He sought clarification from the Legal Adviser on whether the ICSC had made recommendations to the UN General Assembly on the post adjustment for staff in Professional and higher categories, as required by article 10(b) of the Statute and Rules of Procedure of the ICSC. Finally, he expressed support for the position of the Africa group, namely that the Director-General should continue to engage with the ICSC and the UN with a view to arriving at a scientifically valid post adjustment methodology and proposal.
728. *A Government representative of Mexico* said that any further delay in the implementation of the ICSC decision would undermine its mandate, which had been approved unanimously by UN member States. While he recognized the concerns expressed by ILO staff members, he wished to stress that other organizations in the UN common system in Geneva had implemented the decision as soon as they had been in a position to do so. In fact, the implementation of the decision should be automatic, as in previous cases: there was no need to involve governing bodies. Calling for unity within the UN common system, he urged the Director-General to implement the decision without further delay.
729. *A Government representative of Brazil* said that his Government was in favour of the draft decision. As part of the UN Common System, the ILO had an obligation to implement the decisions of the ICSC, although there were still concerns on the methodology and transparency used, despite some progress already being made in that regard. His Government supported efforts to address such concerns but emphasized that any action taken should be consistent throughout the UN system as a whole.
730. *A Government representative of the Russian Federation* said that the ILO and its constituents must take into consideration UN General Assembly resolution No. 72/255, adopted by consensus in December 2017. Under the Statute of the ICSC, all UN agencies had an obligation to abide by ICSC decisions. Furthermore, the majority of UN agencies had either already started implementing those decisions or would be doing so within a month. Refusing to implement the decisions would go against the mandate of the ICSC and compromise the future of the UN common system. His Government therefore could not support the draft decision or the amendments proposed by the social partners.

- 731.** *The Director-General* said that the draft decision was a difficult but necessary one. It was important to emphasize that all groups of the Governing Body had asserted their commitment to the values of the ILO with regard to treating their staff fairly, but also to respecting the authority of the UN common system.
- 732.** As indicated at the 331st Session of the Governing Body in November 2017, the ICSC's decisions had raised serious methodological, managerial and legal challenges. The managerial challenges were obvious, as signalled by the presence of ILO staff in the GB Room for the current discussion. Concerns regarding the ICSC methodology had been raised by the non-governmental groups and the Africa group. The legal challenges had to do with whether the ILO was required to apply ICSC decisions. The ILO also had the responsibility to consider ICSC decisions in the light of rulings of its Administrative Tribunal.
- 733.** The ILO and other entities of the UN system had engaged with the ICSC during a meeting held in Vienna in July 2017, with a view to bringing their concerns to it. The ICSC then revised its decision and commissioned a review of its methodology. The ICSC would continue discussing the matter, including the recommendations emerging from the aforementioned review, at its 86th Session in New York. As indicated by the UN Under-Secretary-General for Management in her opening statement to that session, it was important to re-examine collective ways of working, which had last been reviewed more than a decade ago. The Director-General remained hopeful that while there had been no new developments, the positive movement that had resulted from the interactions of the ILO with the ICSC would be sustained.
- 734.** A number of speakers had drawn attention to UN General Assembly resolution 72/255 adopted in December 2017, which noted with serious concern that some organizations had decided not to implement the decisions of the Commission concerning cost-of-living surveys. It also indicated that failure to fully respect the decisions could prejudice claims to enjoy the benefits of participation in the common system, including organizations' participation in the United Nations Joint Staff Pension Fund (UNJSPF). Although it was not accurate with respect to the ILO, which had never decided not to implement the ICSC's decisions, the Governing Body must be cognizant of the resolution.
- 735.** With regard to the draft decision, the different groups of the Governing Body all departed on the basis of common values, common objectives and a common understanding of the process, but had reached different conclusions on what to do next. In the light of the discussion undertaken thus far, it could be appropriate to revert to subparagraph (a) as originally drafted and delete original subparagraph (b) altogether. Subparagraph (c), as amended by the Workers' group, should be kept, while the Employers' proposed new subparagraph (d) should not be retained.
- 736.** *The Employer spokesperson* said that he did not agree with the underlying assumption that would form the basis for the draft decision. It was important to re-examine that underlying assumption before looking to the draft decision itself.
- 737.** *The Worker spokesperson* said that she broadly accepted the Office's proposal. The Employers' amendment to subparagraph (a) was problematic because the Workers' group had carefully drafted their amendments in consultation with the ILO Staff Union, in the knowledge that there would be opposition from the Governments. The Workers' group did not think the Governing Body should take a decision on the implementation of the pay cut on that day, partly because the proposed timelines for implementation were unclear. Subparagraph (b) should be removed, pending a reform and revision of the methodology. It was important to consider the risks of not belonging to the common system. She could not support the Employers' amendment to subparagraph (a) and asked for clarification regarding why the Office considered new subparagraph (d) to be unnecessary.

738. *The Director-General* responded that the Governing Body would always be open to returning to issues where necessary, and as such the option in new subparagraph (d) did not need to be specified.
739. *The Employer spokesperson* said that, with respect to new subparagraph (d), it was vital that the decision was returned to a future session of the Governing Body for consideration and determination. The way in which the situation had been analysed was problematic. It was necessary to return to the fundamental question of whether or not the Governing Body was in favour of the pay cut. It was clear that the Employers' group, Workers' group and the Africa group did not support the original draft decision. He expressed concern regarding the position taken by IMEC that the decision should not have been brought before the Governing Body; moreover, it was too late to change that situation as the Governing Body had spent a considerable amount of time on the issue. Uniquely, the ILO was a tripartite organization and, as such, it was not possible for one constituency, namely the Government group, to make a unilateral decision. The ILO protected the rights of the workers of the world and it was therefore essential that the Organization respected tripartism at all times, not only when it was convenient. It was unacceptable to implement the pay cut based on a flawed methodology only to then return again to the issue in the future.
740. He questioned whether the ILO was under an obligation to comply with decisions affecting the common system, as had been stated by one of his colleagues. Regarding membership of the common system and the UNJSPF, clarification was needed from the Office; the document should have clearly outlined any risks to allow the Governing Body to make an informed decision. The Employers' group was not convinced that a decision not to implement the ICSC recommendation would affect membership of that pension fund. Article 3(b) of the Regulations, Rules and Pension Adjustment System of the UNJSPF stated that "Membership in the Fund shall be open to the specialized agencies referred to in Article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies." However, some organizations that were members of the UNJSPF did not appear on the ICSC list of members of the common system. The ILO should not leave the common system or cease participation in the UNJSPF. He questioned whether the pay cut would lead to a cost saving and where that money would go. He agreed with the Government representative of Uganda that the matter was not a fait accompli and that the correct process needed to be followed. A decision needed to be made and new subparagraph (d) should be included. The Employers' group needed to know whether or not the pay cut would be implemented.
741. *The Worker spokesperson* reiterated the view of her group that the process and the outcome were wrong. There had been no consultation or negotiation with unions, and the workers had been told that they had no right to strike, which violated fundamental principles and rights at work. The methodology used was also flawed. In such instances, the usual practice would be not to apply it and to negotiate with the employer to make improvements. The Workers' group at the ILO acted on three levels. First, at the level of the trade unions, who would never accept such actions in a national context. Second, they defended fundamental principles and rights at work more generally. Third, the Workers took responsibility as part of the Governing Body for the whole ILO, and took pride in being able to influence the work of the Organization. Indeed, during the discussion on reform of the UN, the three groups had all expressed their pride in the Organization, and wanted its tripartism, dialogue and consultation to be integrated in other UN processes.
742. The Workers' group wanted to support the ILO union members and call for what was right, but did not want to shirk its responsibilities to the Organization itself, which still had to function. The amendment proposed by the Workers aimed to make it clear that all parties

recognized that the methodology and process were flawed, and that another process was required. The Office could be instructed to pursue another process, as suggested by the Employers. The ILO played an important role within the UN system; the Governing Body could tell the Director-General to set an example to ensure that collective bargaining could take place not only in the ILO, but also in the rest of the UN system. Consequently, the Workers had proposed deleting subparagraph (b) of the draft decision and making subparagraph (c) stronger. The group had to take into account its three levels of responsibility.

743. She asked for clarification regarding the Employers' proposed subamendment on what was meant by instructing the Office and whether there could be an instruction not to act. In relation to subparagraph (d), it was important to clarify that salaries and working conditions were a matter for negotiation by the employers and workers concerned and their trade unions, not the Governing Body. It was to be hoped that there would be greater involvement of social partners in the UN system in the future. She proposed that subparagraph (d) request the Office to report back to the Governing Body on the outcome of the situation.
744. *The Employer spokesperson* again requested clarity regarding the implications for the UNJSPF. His group had understood that there would be no adverse implications. However, a threat of disconnection from the Fund had been mentioned. He also asked whether, if the Governing Body did not reach a conclusion, the Director-General would take the decision himself, and whether he would implement the pay cut, even if that went against the Governing Body.
745. *The Director-General* responded that all present agreed that the ICSC process was flawed. There were also shortcomings within the processes of the common system that he and the Office were striving to correct. Furthermore, the ICSC was currently meeting in New York, and ILO colleagues were continuing work to try to overcome the recognized shortcomings in the methodologies and processes. The ILO clearly had traction in that discussion and it was incumbent upon the Office to continue to endeavour to improve the common system for all involved. Referring to the Worker spokesperson's comments on workers' rights in the common system, including the right to strike, he said that ILO management had never denied its staff the right to strike. As to the implications of adopting the original draft decision, it would mean implementing the ICSC decision without further delay, in line with the dictates of the common system. Not adopting that decision, in keeping with the Employers' proposed amendment, would very clearly mean departing from the common system and the obligations that arose from the ILO's acceptance of and participation in the common system of salaries, allowances and other conditions of service. Regarding the implications for the ILO's participation in the UNJSPF, he reiterated that that was in the resolution adopted by member States of the UN General Assembly. All Governments represented on the Governing Body were parties to that resolution and would be better placed to reply.
746. He recalled that the matter had been placed on the agenda of the Governing Body in November 2017 because the ICSC decision had serious managerial, methodological and legal implications for the Organization. If the Governing Body was unwilling, unable or declined to take a decision, that decision would revert to the prerogative of the Director-General. The decision before the Governing Body was a most difficult, but necessary decision. Whatever the misgivings people had about the flawed process and the application of the decision of the ICSC, not applying it would have much greater deleterious effects on the institutional welfare of the ILO and on its staff. Consequently, he commended the original draft decision presented to the Governing Body. However, the Workers' proposed amendments would allow the Governing Body to progress in a legal way, protecting the interests of colleagues and remaining in line with the values and principles of the Organization.

747. *The Employer spokesperson* said that, because of UN General Assembly resolution 72/255, the opinion of the social partners was no longer important; indeed, IMEC was of the view that the matter should not have been put before the Governing Body. That interpretation was concerning, as there was a possibility that it would set a precedent. The Governing Body had discussed the matter at length, but the draft decision had disregarded that dialogue. It was questionable whether the principles of an institution were safeguarded if a decision was taken against staff – its most important asset – based on flawed methodology and logic, with a promise that the situation would be better in the future. The Employers' group supported workers' rights because it was a question of values and principles, and support from ILO staff showed that they were on the right track. People were relying on the Governing Body to take difficult decisions. Refusing to accept the pay cut would be the more difficult decision, but it would be consistent with the ILO's values and its unique mandate. The ILO had a responsibility to dare to be different and to practise what it preached. There were times when social dialogue did not generate immediate consensus because the imperatives of rational action and respect of dignity were not met. That was the current situation of the Governing Body. The solution was not to render social dialogue meaningless, but to continue it until widely sustainable action could be determined. The point of social dialogue was not to maintain neutrality at all times. The Governing Body might temporarily fall out of line with the UN common system but it would remain true to its values.
748. He concluded by proposing rewording to subparagraph (a), to change "be conducted" to "be put on hold until a new and sound methodology is conducted", and the addition of a revised subparagraph (d): "requests the Director-General to report to the session or sessions of the Governing Body on the progress made".
749. *The Worker spokesperson* said that it was her understanding that the ILO collective agreement did not cover wages, therefore the Organization did not have autonomy over wages and could not negotiate them. She wondered whether the proposed amendment to put on hold the proposed changes to the post adjustment index would affect the Director-General's response.
750. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that a decision should be taken at the present meeting rather than at a later session. The decision must be consistent with UN General Assembly resolution 72/255, which was applicable system-wide. In the spirit of compromise, GRULAC could support the amendments proposed by the Director-General.
751. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that she could not support the most recent amendments proposed by the Employers' group since they were completely contrary to the original draft decision and demonstrated a lack of respect for the Director-General and the Office. They also risked damaging the reputation of the ILO, and gave the message that the ILO disregarded the rest of the UN system, including the UN General Assembly and its resolutions. The issue must not be postponed any further. IMEC supported the proposal of the Director-General and remained firm in the belief that it was for him to take the decision.
752. *Speaking on behalf of ASPAG*, a Government representative of Australia said that his group supported the proposal of the Director-General.
753. *A Government representative of the United States* said that UN General Assembly resolution 72/255 was binding on all Governments in the Governing Body, who must ensure that it was implemented by the ILO. To choose how and when the ILO would take direction from the General Assembly would detach the Organization from its rich legacy within the UN and remove it from a position of leadership. Should the ILO choose not to implement the post adjustment, the issue of fairness would forcefully and negatively come into play.

His Government acknowledged the shortcomings of the processes, but there was no mechanism for governments to compel the ICSC to retract a mandate once it had been issued. However, it was possible to work within the Fifth Committee of the UN General Assembly to ensure that future processes, including communications and methodologies, were fit for purpose, and that trust in the Commission was restored. He empathized with staff impacted by the salary adjustment, and pledged to work together to ensure a system that was predictable and transparent and regained the trust of staff.

- 754.** *A Government representative of the Russian Federation* said that he could not support the new version of the draft decision proposed by the Director-General, and noted that it had gained no consensus. In a bid to reach consensus, he could support the original version in paragraph 13 of the Office document, but with a change in the date of introduction of the revised post adjustment. The latter should capture the decisions taken by the ICSC and UN General Assembly resolution 72/255.
- 755.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group maintained its stated position that there were shortcomings in the methodology applied by the ICSC that needed to be rectified before an informed decision could be taken. Furthermore, the ICSC had not fully consulted with stakeholders on the cost-of-living survey.
- 756.** *A Government representative of China* said that the concerns of ILO staff were understood by all civil servants. He urged the Office to maintain communication and consultation with the ICSC on the cost-of-living survey to bring about a substantial improvement. He supported the proposal by the Director-General.
- 757.** *A Government representative of France* expressed support for the Director-General's proposed amendment.
- 758.** *A Government representative of Lesotho* said that she was unable to support a decision made on the basis of an incorrect methodology, much as she understood that the ILO may not be autonomous in terms of determining the working conditions of staff.
- 759.** *The Worker spokesperson* said that the situation was most difficult for the Workers' group, as the Governing Body was looking to them, and the staff, among others, were very concerned. She appreciated the commitment by the United States to take action to bring about improvements. She proposed acknowledging at the beginning of the draft decision that there were serious shortcomings that needed to be rectified, since all parties were agreed on that. There should be monitoring and reporting back to the Governing Body, while taking into account that the Governing Body was not authorized to negotiate. Her group had proposed that that point should be taken into account in subparagraph (c), and the Director-General had indicated that he would report to the Governing Body anyway.
- 760.** It was important to look at both the short- and long-term interests of ILO staff, and at the future of the ILO. The Organization was in a difficult position, as it represented the world of work but was unable to negotiate its own pay structures. The message from ILO staff had always been that they wanted to be part of the common system. It was important for the Governing Body to ensure that future processes would take place on a tripartite basis with respect for social dialogue. It was tempting for the Workers' group to let others take responsibility for the difficult decision, but she reiterated that her group assumed its responsibilities at three levels to defend the fundamental principles and rights at work of workers at the ILO and everywhere else in the world and to protect the institution of the ILO. The group wanted to ensure that the ILO lived on for another hundred years with respect for those rights. The process was flawed and needed to be repaired, therefore the ILO should be

in the driving seat to repair it as soon as possible. Her group could support the latest version of the draft decision if adequate wording could be inserted to acknowledge the flaws.

- 761.** *The Chairperson* suggested: “The Governing Body takes note of the legal issues, risks and serious shortcomings associated with the methodology and the implementation of the results of the 2016 cost-of-living survey in respect of the duty station Geneva”.
- 762.** *The Worker spokesperson* said that she had reiterated that the lack of consultation and involvement were major flaws. She suggested that either a general phrase could be used that noted shortcomings associated with the ICSC system, or it should be stated more explicitly.
- 763.** *The Chairperson* said that he believed his suggestion addressed the concerns expressed by the Workers’ group.
- 764.** *The Worker spokesperson* said that she needed to consult with her group.
- 765.** *The Employer spokesperson* registered his objection to the fact that he had been denied an opportunity to speak. There had been two attempts to work on text with which his group clearly disagreed. Regarding the agreement concluded between the UN and the ILO, the Annex to the Statute and Rules of Procedure of the ICSC clearly stated that the two organizations would “[c]onsult together concerning matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable”. That demonstrated that nothing currently under debate represented a desire to leave the UN common system or threatened the system. As for UN General Assembly resolution 72/255, it was unclear to his group whether paragraphs 6 and 8 of the resolution referring to potential prejudice to claims for benefits applied specifically to the post adjustment or whether the General Assembly had made an explicit decision on that point. He noted that his group had never changed its position; however, other members’ positions were indeed changing, and the initial majority had been ignored. He therefore called for a vote so that the matter could be closed.
- 766.** *The Government representative of the United States* proposed changing the word “methodology” to “consultations” in subparagraph (a) of the draft decision.
- 767.** *The Employer spokesperson* reiterated his group’s view that the latest text under discussion was a farce that detracted from the real matter at hand, which was that the pay cut should not be approved. He reiterated his call for a vote.
- 768.** *The Chairperson* said that the majority of Governments supported the proposal from the Director-General, possibly with amendments, and that the Governing Body was therefore working on that text.
- 769.** *The Employer spokesperson* asked the Chairperson whether he was declining his group the right to a vote.
- 770.** *The Chairperson* said that his request for a vote had been noted, but clarity on the text was needed first. There was a large majority of Governments in favour of the current text, and some support from the Workers.
- 771.** *The Worker spokesperson* repeated that it was too early to request a vote.
- 772.** *The Chairperson* clarified that the methodology was to discuss the text currently before the Governing Body and the proposed amendments to it.

773. *The Worker spokesperson* said that it was her group that had raised concerns on the shortcomings associated with consultations, which had been echoed by the Africa group. Those shortcomings should be clearly expressed in the draft decision; the current version was acceptable to her group.

774. *The Chairperson* noted that there was a majority in favour of the following wording:

The Governing Body:

- (a) took note of the legal issues, risks and serious shortcomings associated with consultations on, and the implementation of, the results of the 2016 cost-of-living survey in respect of the duty station Geneva; and
- (b) requested the Office to continue to actively engage with the ICSC at its 86th Session and beyond, with the objective of reforming the post adjustment and other salary survey methodologies, and ensure that the new methodology is applied for any post adjustments. The reform process should guarantee the full involvement of the UN workers' federations and respect basic principles of social dialogue.

775. *The Employer spokesperson* disagreed and said that there had been a majority during the previous day's sitting. The Workers' group had changed their position to agree with the Governments and had proposed an amendment that had made it easy for the Director-General to make a decision outside of the meeting room, after the Governing Body had not made a decision. His own request to hold a vote had been refused, and he asked what had prevented the Governing Body from voting on the Employers' group's proposal.

776. *The Chairperson* said that, throughout its discussions, the Governing Body had been considering the text of the draft decision before it. It was clear that there was now a majority in favour of the current wording.

777. *The Worker spokesperson* said that she was aware of her responsibility to explain her position. There were governments taking decisions at the UN in New York, unaware of the implications outside of New York and of the unrest that created. The Workers' group had carefully considered their last amendment, which closely resembled their initial amendment. Her group had tried to take the long-term interests of the staff into account. The effects of not adopting the draft decision posed too great a risk for the staff.

Decision

778. *The Governing Body:*

- (a) took note of the legal issues, risks and serious shortcomings associated with consultations on, and the implementation of the results of, the 2016 cost-of-living survey in respect of the duty station Geneva; and*
- (b) requested the Office to continue to actively engage with the ICSC at its 86th Session and beyond, with the objective of reforming the post adjustment and other salary survey methodologies, and ensure that the new methodology is applied for any post adjustments. The reform process should guarantee the full involvement of the UN workers' federations and respect basic principles of social dialogue.*

(GB.332/PFA/11, paragraph 13, as amended by the Governing Body.)

779. *The Employer spokesperson* wished to place on record his disappointment with the way the discussion had been conducted. His group had been consistent in calling for governance, values and principles, and yet had been refused the request for a vote.

Twelfth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Withdrawal of the recognition of the Tribunal's jurisdiction by one organization and cessation of activities of another organization

([GB.332/PFA/12/1\(Rev.\)](#), [GB.332/PFA/INF/9](#))

780. *The Employer spokesperson* noted that the Agency for International Trade Information and Cooperation (AITIC) and the Intergovernmental Organisation for International Carriage by Rail (OTIF) would no longer be subject to the jurisdiction of the ILO Administrative Tribunal. He welcomed the fact that no additional costs to the ILO were involved and that the AITIC's outstanding dues would be recovered from the Tribunal's participating organizations. The Employers' group supported the draft decision.
781. *The Worker spokesperson* recognized the need to share the costs related to the outstanding dues of the AITIC among participating organizations under the exceptional circumstances at hand; however, it was important to remind participating organizations of their financial obligations in respect of the Tribunal so that such a situation would not be repeated. She requested the Office to inform the Governing Body of the outcome of the ongoing consultations on the conditions for withdrawal of recognition of the Tribunal's jurisdiction by an organization or the Governing Body. She expressed support for the suggestion to establish a formal procedure on withdrawal made by the President of the Administrative Tribunal in his letter to the Director-General, in particular the proposal to include consultation with staff representatives of the bodies of the organizations concerned, since other jurisdictions might offer less protection to workers than the ILO Administrative Tribunal. She requested the Office to submit a follow-up document on the matter for the Governing Body's consideration in November 2018. The Workers' group supported the draft decision.
782. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that, in view of the Office's inability to recover the outstanding financial dues of the AITIC, it should find other means of ensuring that participating organizations paid running and session costs on time. She expressed concern at the withdrawal of recognition of the Tribunal's jurisdiction by international organizations, and supported amending the Statute of the Tribunal to set out clear conditions for withdrawal. The Governing Body should play a role in organizations' withdrawal from the Tribunal as well as their admission. The Africa group supported the draft decision.
783. *Speaking on behalf of IMEC*, a Government representative of the United States noted with concern the decision by the OTIF to withdraw recognition of the Tribunal's jurisdiction. He requested reassurance that, alongside the withdrawal of two other participating organizations in the two previous years, was not part of a trend indicating an escalating financial burden or a loss of confidence in the Tribunal's processes and jurisprudence. With reference to the letter of the President of the Tribunal, he asked whether the Office intended to submit proposals on amending the Statute of the Tribunal to the Governing Body. As to the

functioning of the Tribunal, document GB.332/PFA/INF/9 provided a good overview of issues concerning the European Patent Office (EPO) but did not include all the information requested by IMEC at the 331st Session of the Governing Body. The document implied that the number of complaints filed against the EPO was the only impediment to the effective functioning of the Tribunal and only set out possible measures to be taken in that regard. It did not indicate any intent to review the Tribunal's working methods, nor did it provide information on the total number of pending complaints before the Tribunal or the expected processing time for those complaints. IMEC supported the draft decision.

- 784.** *A representative of the Director-General (Legal Adviser)* informed the Governing Body that the Office had received information that a judgment had been rendered on one of the two pending complaints against the OTIF, and had revised the draft decision accordingly. The comments made pointed to the necessity to amend the Tribunal's Statute in order to provide for a procedure whereby on the one hand an international organization having previously recognized the Tribunal's jurisdiction could withdraw its recognition and on the other the Governing Body could withdraw its approval of the recognition of the Tribunal's jurisdiction by an international organization. Consultations among the Tribunal's participating organizations on the conditions under which the Governing Body might withdraw its approval were practically completed. Proposals were being finalized for the addition of relevant provisions in article II(5) and the Annex to the Tribunal's Statute. With regard to the withdrawal by a member organization of its declaration of acceptance of the Tribunal's jurisdiction, while that declaration was a unilateral act for an indefinite period that could be revoked at any time, it nevertheless created a network of commitments towards the ILO, the Tribunal and the other participating organizations. As such, it was subject to the principles of treaty law, in particular the core principle of good faith. In that sense, the fact that the OTIF had informed the Office of its decision to discontinue its acceptance of the Tribunal's jurisdiction only after it had entered into an agreement with the Administrative Tribunal of the Council of Europe was problematic, and one could understand the reaction of the Tribunal's President in that regard. Subject to confirmation by the Screening Group, the Office could of course prepare a document containing draft amendments to the Statute, as requested. Lastly, the Office duly noted the comments made by the representative of IMEC with regard to the information contained in document GB.332/PFA/INF/9.

Decision

785. *The Governing Body:*

- (a) *took note of the cessation of activities of the Agency for International Trade Information and Cooperation (AITIC) and accordingly confirmed that the AITIC will no longer be subject to the competence of the Tribunal with effect from the date of this decision;***
- (b) *took note of the intention of the Intergovernmental Organisation for International Carriage by Rail (OTIF) to discontinue its recognition of the jurisdiction of the Administrative Tribunal, and accordingly confirmed that the OTIF would no longer be subject to the competence of the Tribunal with effect from the date of the decision except regarding complaint AT 5-4680 pending before the Tribunal; and***
- (c) *requested the Director-General to follow up with the Secretary-General of the OTIF regarding the payment of any outstanding costs.***

(GB.332/PFA/12/1(Rev.), paragraph 8.)

Composition of the Tribunal (GB.332/PFA/12/2)

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

787. *Speaking on behalf of the Africa group*, a Government representative of Senegal said that his group also supported the draft decision.

Decision

788. *The Governing Body proposed to the Conference the renewal of the terms of office of Mr Barbagallo (Italy), Ms Diakit  (C te d'Ivoire), Ms Hansen (Canada), Mr Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) for three years each and thus decided to propose the following draft resolution for possible adoption:*

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointments of Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakit  (C te d'Ivoire), Ms Dolores Hansen (Canada), Mr Michael Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) for a term of three years.

(GB.332/PFA/12/2, paragraph 4.)

Thirteenth item on the agenda

Other personnel questions

789. There was no document under this agenda item.

High-Level Section

Working Party on the Social Dimension of Globalization

First item on the agenda

Reform of the United Nations: Implications for the ILO ([GB.332/HL/1](#))

790. *The Chairperson* welcomed Ms Amina Mohammed, Deputy Secretary-General of the United Nations (UN) and Chair of the United Nations Development Group (UNDG). He recalled that intense negotiations were currently under way in New York with a view to the adoption by the UN General Assembly later in 2018 of a resolution on the reform of the UN development system, which would have implications for the ILO. The high-level dialogue at the ILO was extremely timely, as it was most likely the only chance constituents would have to examine the UN Secretary-General's proposals for reform – as set out in his December 2017 report on repositioning the UN development system – from a world-of-work perspective and share their views with the Deputy Secretary-General before the adoption of the resolution, which would then come back to the Governing Body for a decision. His report of the proceedings would be presented to the Governing Body as document GB.332/INS/13, a tripartite document that he hoped would provide useful feedback from the ILO's constituents to the UN reform negotiations in New York. The Office would continue to monitor those negotiations and provide information and assistance where requested by member States.
791. *The Director-General* warmly welcomed Ms Mohammed and said that the ILO was extremely encouraged by the opportunity to hold a dialogue with her on the Secretary-General's proposals on the reform of the UN development system. The ILO recognized the strong momentum for UN reform among Member States and subscribed wholeheartedly to the objective of delivering more integrated, efficient and accountable support to them in the implementation of the 2030 Agenda for Sustainable Development (2030 Agenda). The ILO must take maximum advantage of the discussion in order to advance its understanding and thinking on UN reform and pave the way for the Governing Body to take decisions on the forthcoming General Assembly resolution. The ILO had been a pioneer in aligning its activities to the delivery of the 2030 Agenda, and the Programme and Budget for 2018–19 explicitly and concretely linked the ILO's own policy outcomes to the Sustainable Development Goals (SDGs). He trusted that the dialogue would inform and reinforce that commitment and help the ILO focus more specifically on what UN reform would mean for it as a specialized agency with tripartite constituents, governance structures, a strong normative character and constitutionally mandated responsibilities.
792. *The Deputy Secretary-General of the United Nations* said that she appreciated the opportunity to hold a dialogue with the ILO on the reform of the UN development system, and was eager to hear its feedback, ideas and concerns. As part of the UN system, the ILO had demonstrated its commitment to the whole-of-system approach. Noting that the United Nations respected the mandates of the specialized agencies, and that its work to remain loyal to those mandates was key to the reform's success, she observed that the ILO's engagement towards the SDGs in recent years had meant that its mandate was aligned with the 2030 Agenda.

793. Reform of the UN development system was a social, economic and environmental response to development that must be fit for purpose. It stood on pillars of governance, strong institutions and partnerships. The United Nations could learn from the ILO's example in respect of the latter.
794. She recalled that, further to General Assembly resolution 71/243 on the quadrennial comprehensive policy review (QCPR) of operational activities for the development of the UN system, the Secretary-General had submitted a first report in June 2017 on the repositioning of the UN development system. In the second half of 2017, he had put in place an ambitious consultation involving Member States, UN entities and other stakeholders to develop a more robust and realistic response on how to implement the SDGs. Although most stakeholders had believed that they were implementing the SDGs, as they could link their mandate or initiatives to an SDG target, they were in fact implementing the Millennium Development Goals.
795. The Secretary-General's second report, submitted in December 2017, contained proposals in seven key areas, including the Resident Coordinator system and UN Country Teams. Governments were the primary recipients of investments in those areas, but workers, employers and other partners were not excluded. Another key area was regional approaches, including the recognition that one size did not fit all. It was important to consider how the United Nations Economic and Social Council (ECOSOC) could be more responsive and relevant in that respect; accordingly, it was proposed that ECOSOC's operational activities for the development segment should become a platform for accountability and transparency, and also be responsive to the needs of partners at the country level.
796. Another key area was the funding compact between the UN development system and Member States, which would reduce fragmentation and increase coherency and predictability in the funding that came to the development system. Core funding should be doubled over time, and the earmarking of non-core funding should be reduced. There should be a predictable and fully owned mode of paying for the Resident Coordinator system, as it linked the UNDG to events at the country level. Partnerships should be redefined so that the United Nations could leverage, convene and facilitate better results at the country level.
797. Concerning the next steps, negotiations and consultations would continue into mid-April. A transition team would be in place for the implementation of the reforms and would include representatives of specialized agencies.
798. The Secretary-General had restructured the UNDG, appointing her as Chair. The Vice-Chair – the Administrator of the United Nations Development Programme (UNDP) – was responsible for the coordination of UNDG operations. Results groups took up various issues on the normative and the operational aspects of policy-making, with respect to human rights, labour issues, health and education. Normative aspects were not restricted to governance, as was feared by many member States.
799. The United Nations Development Assistance Framework (UNDAF) would be key to governments and all other stakeholders in implementing the 2030 Agenda.
800. There had been broad participation in the developments over the past four years, and the United Nations would like to think that it could be challenged to talk about how it had taken everyone with them on that journey, leaving no one behind, in all aspects related to implementation of the 2030 Agenda.
801. *The Employer spokesperson* said that his group welcomed the Secretary-General's bold initiative to reform the UN development system with a view to improving its accountability, efficiency and coherence. The ILO should be equally bold in highlighting the unique nature

of the Organization when considering the implications of the reform and whether or how the ILO could come on board. The Office's document had facilitated understanding of the reform proposals, but the Employers would have liked a more detailed analysis of the potential implications for the ILO and its constituents. The proposed reform package offered exciting opportunities, including the possibility for greater outreach, supported by the convening power of the UN. It also offered an opportunity to showcase the value of a tripartite model to a wider audience, and would allow the United Nations to gain perspective on the real economy through organizations of employers and workers. At the country level, additional avenues might be made available to make the voices of labour administrations, employers and workers heard. Furthermore, it offered an opportunity to improve the system's coherence and address long-standing concerns on fragmentation and duplication of efforts.

- 802.** In terms of challenges, the work of the Office and the Director-General in helping to develop the reform package was appreciated, but the ILO needed to be more proactive in shaping the reform to ensure that its outcome enhanced its role and relevance, and did not reduce it. His group welcomed the idea of realigning the UN development system in order to implement the 2030 Agenda, which should provide a coordinated operational and accountability framework with greater coherence. Such alignment also offered the potential for funding and financing.
- 803.** One key question was how the ILO's tripartite structure could be accommodated in the reform process given that the social partners had governance and decision-making power. The ILO's special mandate must not be inadvertently compromised, and collective results should not dilute the role of individual agencies.
- 804.** A new generation of UN Country Teams that would play a stronger role in UNDAFs could improve coherence and coordination in the UN development agenda at the national level, but the outcome for the ILO would depend on how Decent Work Country Programme (DWCP) priorities were reflected in the UNDAFs. The degree of alignment between DWCPs and UNDAFs should be carefully considered. The ILO would need space to carry out the part of its mandate that fell outside the scope of the UNDAF and to work with the social partners and undertake normative and supervisory activities. DWCPs should be strengthened to continuously improve quality and ownership by constituents, as well as contribute to national development agendas. Noting that the UNDAFs would be designed in a more participatory manner, he hoped that they would allow the social partners to play a representative role and be a positive force in national development. He called on the Office to initiate a targeted capacity-development programme for constituents to support that role.
- 805.** With regard to the reinvigorated Resident Coordinator system, it was essential to ensure that Resident Coordinators had a profound understanding of the specific mandates and functions of the various agencies. Interaction between Resident Coordinators and UN Country Teams would provide the opportunity to bring the social partners into the dialogue, giving them more opportunity to influence the development agenda. However, more needed to be done to promote the role of the social partners in the work of other UN agencies. Noting that the composition of UN Country Teams would depend on the specific expertise required to respond to country needs and priorities, he said that the interaction between UNDAFs and DWCPs would be critical in determining the ILO's role in that context.
- 806.** Several elements of the Secretary-General's report were of concern to the Employers. Partnerships to support the implementation of the 2030 Agenda in the private sector should take into account the existing voices of business and employers' organizations. The role of the UN Office for Partnerships as the UN's global gateway for partnerships needed to be clarified in relation to interaction with public and private donors, and system-wide coordination. He asked what role was envisaged for the UN Global Compact – which was

not a business organization, and as such did not represent the voice of businesses – in managing partnerships with the private sector, and how UN Country Teams would work with representative business organizations to plan and implement UNDAFs. Care should be taken to ensure that streamlining the system-wide approach to partnerships would not impose additional requirements or contradict the ILO's policy on public-private partnerships. It would be helpful if UN policies did not exclude partnerships with companies that were operating legally.

- 807.** Finally, the Employers supported the results-oriented vision of the Secretary-General's report and the proposed commitment to improve the quality of earmarked funding. However, the full financial implications of the reform would need to be clarified, including how short-term increases would translate into long-term savings. His group looked forward to discussing the forthcoming UN resolution at an upcoming Governing Body session.
- 808.** *The Worker spokesperson*, noting that her group fully endorsed the 2030 Agenda, said that any reform process should recognize and respect: the unique nature of the ILO, defined by its tripartite governance structure and normative mandate, including its supervisory system; the need for the continuation of specific funding and programmes on labour rights and the world of work, including development cooperation; and the ability of the ILO to exercise its mandate through its country and regional offices. Expressing concern about the impact of reform on the tripartite governance and normative mandate of the ILO, she asked for clarification of how each specialized agency's normative mandate would be recognized in the decision-making process. Noting that ILO country offices and development cooperation programmes were often established on the basis of tripartite decisions and could be closely linked to ILO supervisory mechanisms, she asked what measures would be taken to ensure that the ILO could continue to exercise its normative mandate in view of the streamlining of UN country offices and alignment with UNDAFs.
- 809.** Given the lack of clarity on trade unions' involvement in UNDAFs and the absence of a reference to tripartite decision-making with regard to priority areas for UN Country Teams, she asked what steps Resident Coordinators were expected to take to fully recognize and support the involvement of workers' organizations in such decisions. Trade unions should be considered a specific stakeholder, apart from civil society, and consulted separately. She asked the Deputy Secretary-General to provide examples of tripartite consultations on those issues at the national level and to inform the Governing Body how DWCPs would retain their tripartite character and content and how consistency with UNDAFs would be secured.
- 810.** Further information was needed on the budgetary implications of having common business services and back-office functions. She shared the concerns expressed in document GB.332/HL/1 about the impact on the ILO's work of the proposal to cluster in-country staff by UNDAF results groups, rather than by agency. She asked what would be done to ensure that ILO constituents – and trade unions in particular – had access to common premises and to ensure that the ILO would have the capacity to deliver on its activities – especially its normative activities.
- 811.** Details should also be provided of the steps foreseen to ensure that Resident Coordinators had a full understanding of the ILO's mandate and governance structure and industrial relations in the world of work. Plans for double reporting lines for staff members of UN Country Teams gave rise to concerns about the consequences of such duplication for the ILO's independence and accountability. Areas of decent work that were covered by the 2030 Agenda were a source of potentially significant overlap. Clarification should be provided of how those conflicts would be handled.

- 812.** It was a cause of concern that the partnerships for the 2030 Agenda were geared towards business and did not consider the importance of tripartite constituents at the country level as partners. The International Chamber of Commerce had been granted observer status, yet no trade union or civil society organization enjoyed such status. The ILO required public–private partnerships to conform to its principles and values, and private companies that wished to fund ILO activities to have a decent labour record. She asked how respect for those principles would be ensured in the partnerships being promoted by the UN. With respect to partnerships with the international financial institutions, in view of the International Monetary Fund (IMF) giving policy advice to weaken labour legislation and social protection in contrast to the universal social protection promoted by ILO standards, she asked what would be done to ensure that the rights-based approach at the core of the 2030 Agenda and the ILO’s mandate would be preserved. The Global Compact was not an adequate or suitable standard for engagement with the private sector and its revision should include oversight by the Governing Body, as the processes involved related to areas of the ILO’s mandate. Additional mechanisms for the oversight of private sector partnerships should also be considered. The Workers’ group strongly opposed giving the Global Compact a central role in a UN global gateway for partnerships.
- 813.** She asked whether it was feasible to include the proposal that each agency should allocate 15 per cent of non-core funding to joint activities, which would need to be included in the ILO’s funding agreements with its partners. Furthermore, she wished to know whether UN Member States had indicated their readiness to increase the resources provided to individual agencies by 30 per cent over the next five years, as proposed.
- 814.** The ILO should be strengthened, rather than weakened, by UN reform. The Organization’s mandate was founded on the recognition that universal and lasting peace could be achieved only on the basis of social justice. That should be taken into account and the special contribution that the ILO could make to the peace and security architecture of the United Nations should be recognized. While better cohesion within the UN system would be beneficial, the special place of the ILO within that system should be maintained.
- 815.** *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that UN reform would bring challenges and opportunities for the ILO. The Office should ensure that constituents’ positions were taken on board in reform processes and that the impact of reform on the ILO’s normative functions and operational activities was addressed in order to provide greater efficiency, coherence and support for countries in delivering the 2030 Agenda. The role of Resident Coordinators should be set out clearly in order to reduce the workload for national partners. The guiding principle of the QCPR resolution should be strictly applied in order to enhance UN system coherence, efficiency and effectiveness on national development challenges. The proposed funding compact would build trust and transparency. Nonetheless, clear guidance was needed on roles and responsibilities with regard to the UN Office for Partnerships and the Resident Coordinators vis-à-vis other partners, including international financial institutions. Action towards a more cohesive approach to helping Country Teams deliver on the ground was appreciated, especially for pilot countries that were “Delivering as One”. The UN development system should pursue integrated policy and normative support, capacity development and leveraging of partnership and support for South–South and triangular cooperation. The ILO’s readiness for a review of its progress by research and training institutions with a focus on national capacity development for the SDGs was welcome. Clarifying the role of UNDP and separating the Resident Coordinator’s functions from the UNDP representative’s functions would advance the division of labour, integrate support and maximize results. Further synergies could be achieved with respect to the role of DWCP national coordinators and their connections with national constituents. The development of policies and strategies for transparent and results-oriented management would be key to supporting effective country evaluations and greater objectivity in the decision-making process. The Secretary-General

should improve reform processes in collaboration with the ILO and other specialized agencies, while paying attention to the funding of operational activities for development to enable countries to achieve the SDGs.

- 816.** He asked how strategy and results-oriented management would increase the focus on delivering upstream support in the national planning implementation processes, capacity development, high-quality advice and technical expertise based on best practices. He also asked how current UN reform would ensure that the ILO fully discharged its constitutional mandate at the global, regional and country levels and which of the components of the “Delivering as One” approach was the most successful. Details should be provided of the challenges for the other components.
- 817.** *Speaking on behalf of ASPAG*, a Government representative of Australia noted that the reform agenda had many benefits for the ILO, in particular better promotion and implementation of the Decent Work Agenda, which would help the ILO reach a wider audience and embed its normative agenda. She requested more details of how the proposed development framework and Resident Coordinator system would take into account the ILO’s unique tripartite structure. While a broader donor base would improve accountability and sustainability, financing reforms needed to be sustainable for all agencies involved. More information would be appreciated on the funding compact, on the impact of reforms at the regional and country levels, and on opportunities to enhance development cooperation across the UN.
- 818.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay expressed support for the reform process and commended the ILO for participating in the relevant high-level consultations, including those of the High-Level Committee on Management and the UNDG. Better understanding of the linkages between the SDGs would maximize activities in the field. He welcomed efforts to improve the coherence of the UN development system and asked: to what extent the ILO would be able to provide technical assistance to constituents; how the ILO’s regional structures would change; how the changes to the UN Office for Partnerships would affect existing partnerships that promoted the Decent Work Agenda; whether the new funding compact would increase or decrease funding for decent work activities; how national tripartite constituents would be incorporated into work processes under the leadership of the Resident Coordinator; how priorities for DWCPs would be identified and incorporated into UNDAFs; how the ILO would be able to increase non-core resources allocated to joint activities; and whether there would be any change in the relationship between the Governing Body and ECOSOC in the context of the 1946 Agreement between the United Nations and the ILO. The Chairperson’s report should reflect the views expressed by constituents and form the basis of the Director-General’s input to future discussions.
- 819.** *Speaking on behalf of IMEC*, a Government representative of France called on the Office to encourage constructive dialogue on UN reform within the Governing Body and with the other specialized agencies, funds and programmes. IMEC supported the 2030 Agenda as a framework for inclusive growth and the overall objective of improving system coherence and addressing concerns about the fragmentation and duplication of efforts, particularly at the country level. The ILO should participate actively in discussions on UN reform to ensure that the specific nature of the Organization was taken into account. Tripartism should play a significant role in UNDAFs, in line with the calls of the 2030 Agenda for multi-stakeholder partnerships. The Deputy Secretary-General should explain the role that tripartism would play in UN reform and how the ILO’s experience of tripartite discussions would be taken into account. In view of recognized gaps and overlaps in UN activity on the SDGs, she asked how the ILO was expected to contribute to reducing the duplication of work. Information would be appreciated on how the ILO and the Resident Coordinators could ensure the

observance, promotion and implementation of international labour standards within UN Country Teams and UNDAFs.

- 820.** *Speaking on behalf of the EU and its Member States*, a representative of the Delegation of the European Union to the UN and other international organizations in Geneva said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Georgia. The EU and its Member States fully supported the guiding principles of the reform agenda and the use of a single strategic document – the UNDAF – to guide UN development activities at the country level. Priorities needed to be set and tasks divided according to each organization’s competencies and comparative advantages. Three aspects of the ILO’s mandate should be taken into account: its tripartite structure, its normative activity and its supervisory system. The latter two aspects were not limited to countries with UNDAFs. He wished to know what would be done to ensure that, where an UNDAF was in place, UN action took into account both operational and normative activities. In view of the proposed consultations with the social partners when drafting UNDAFs and the ILO’s experience in tripartism, he asked the Deputy Secretary-General for her view on how best to ensure that those consultations, which required careful attention, were institutionally anchored.
- 821.** The EU and its Member States were in favour of an independent and empowered Resident Coordinator; double reporting could be complex but would provide an opportunity for the ILO to reach a wider and influential audience. The proposed funding compact should promote collaboration between development system entities through inter-agency funding mechanisms and thematic and pooled funding, and seek to improve sustainability by attracting a broader pool of donors and encompassing all means of implementation and partnerships. He wished to know what would be done to ensure that the funding compact paid due attention to the specific requirements of specialized agencies, particularly the ILO as a tripartite organization. Many of the tools and procedures highlighted in the report were already used by UN development actors. Those mechanisms should be used to ensure that the United Nations responded to individual country needs in a more integrated, effective and complementary manner.
- 822.** *Speaking on behalf of ASEAN*, a Government representative of Thailand expressed the hope that reform of the UN development system would help the ILO to advance the Decent Work Agenda to achieve the SDGs. The ILO’s experience of developing fundamental principles and rights at work offered a unique tripartite approach to the wider development system. ASEAN therefore supported the establishment of links between DWCPs and UNDAFs. He expressed support for the proposal to extend partnerships for development, including partnerships with the private sector and with local communities and civil society. ASEAN would continue to support efforts to reform the United Nations and urged the ILO to continue its involvement in the reform process to help the United Nations focus more on people than process.
- 823.** *The United Nations Deputy Secretary-General* said that the Governing Body’s comments would facilitate the implementation of the planned reforms. She recognized the need to take different country contexts into account, and the UN system would benefit from the unique experience and tripartite composition of the ILO. The role of the Resident Coordinator would be to represent the UN system on the ground, to respond to country priorities and to bring together the views of all the relevant stakeholders towards the implementation of the 2030 Agenda. The role would be separate from, but closely linked to, the UNDP coordination function, and would be connected to specialized agencies and the UN Country Team. The skill and capacity profile of the Resident Coordinator would be updated accordingly. The new dual reporting line to the Secretary-General through the Deputy Secretary-General would ensure accountability and coherence, while respecting mandates.

Responsibilities would be allocated according to priorities to ensure coherence and prevent duplication burdening the UN system or Member States.

- 824.** The redesign of the UNDAF model would involve the UN agencies in a representative and inclusive instrument, which would include the tripartite input of the ILO. The voice of all relevant actors must be heard to ensure that UNDAFs were representative of the 2030 Agenda; UNDAFs would not simply be carved up to allocate separate elements to each UN agency. The ILO's experience in developing country-specific programmes including the different constituencies would be valuable in that regard. DWCPs would be incorporated into UNDAFs, as a reflection of the priorities of government and other stakeholders.
- 825.** The UN Global Compact acted as a platform that encouraged businesses to agree with a set of sustainability principles and leveraged dialogue and interaction between businesses and national entities that they could support; it was not a representation of the private sector. The UN Office for Partnerships would lead efforts to determine the types of partnerships that would be beneficial. It would not be feasible to have a dashboard to indicate the status of partnerships across the system due to their vast number. The business sector incorporated many different types of enterprises, and ensuring that all were represented was a complex task; however, flexibility was built into the partnerships facility. The approach was being reworked so that the UN's engagement in partnerships for the benefit of countries and regions was clear.
- 826.** Concerning the funding compact, she said that, by seeking investment, the amount of money allocated to development activities would increase. The goal was to move spending on peace and security to spending on development. That required forward thinking to ensure that gaps were not left and that any development gains were sustainable. Therefore, funding had to be tailored to each context, ensuring that the United Nations was in the right place at the right time. It was important to better understand national economies, and to recognize that the United Nations provided more than just aid, and instead invested in people, jobs and infrastructure, while taking account of the environment. She recognized the need for more information regarding the SDG Fund, which sought to pool investment and generate a joint response to implementing the SDGs.
- 827.** Many of the Secretary-General's reforms did not require approval from UN Member States, such as plans to strengthen the UNDG to ensure that stakeholders worked better together at the country level. Other elements did require approval, such as the plan to enhance the role of the UN Development Operations Coordination Office to provide adequate support for Resident Coordinators and Country Teams and to streamline reporting lines, ensuring that each region was adequately represented in the secretariat.
- 828.** Resident Coordinators should have a full understanding of all the UN agencies, as they were assets relevant to attaining the SDGs. She expressed the hope that the ILO would participate in all of the results groups. The first group was working on operationalizing the SDGs, ensuring alignment between the normative framework and operational activities, and delivering on human rights mandates both within and outside the 2030 Agenda. Other groups included: business processes and innovations, to develop back-office efficiencies and improve responsiveness; funding and financing, to encourage investments from traditional or innovative sources in existing programmes or in the field, and to improve the handling of taxes and illicit flows; partnerships; and communications and advocacy.
- 829.** In the move towards pooled funding, there was a need to improve the visibility of investment results, better explain development cooperation as tackling the root cause of conflicts and crises, and promote multilateralism to prevent fragmentation of efforts. There was also a need for greater coordination across the UN system in order to more clearly identify roles and responsibilities and avoid duplication. For the same reasons, reporting should be

strengthened on activities being carried out at the country and regional levels, particularly to ECOSOC platforms, including the High-level Political Forum on Sustainable Development.

- 830.** The system-wide strategic document would be helpful for implementing the reform. However, that document was less ambitious than expected and she anticipated that member States would seek a more ambitious strategy. The intention was to strengthen the capacity of the UN system to deliver the 2030 Agenda by learning from past successes and mistakes. The 2030 Agenda was not a legally binding framework, and it was therefore important to incentivize investment and action. There were many different stakeholders who had identified challenges and needs in their own contexts. The United Nations had to reform in order to be the first port of call for any partner or constituent, as it was currently competing with international non-governmental organizations and foundations and businesses. The United Nations had to earn back its leadership status and prove that it was fit for purpose in delivering the 2030 Agenda. She reiterated that all the SDGs were linked and all were important to the ILO, not just SDG 8 on economic growth, employment and decent work.
- 831.** The goal of the UN development system, Country Teams and Resident Coordinators was to serve beneficiaries by drawing on the UN's assets. The UNDP would lead efforts under its new strategic plan. However, entities within the system were still being sought to take responsibility for various goals that did not currently fall under the mandate of a specific agency. Training in leadership and specific skills was another important part of the reform process, and the UN System Staff College was responsible for developing the core competencies of UN staff. Professional staff should be granted the same opportunities as civil servants in Member States. Members of UN Country Teams could be non-resident, in order to provide the capacities needed.
- 832.** She recognized that DWCPs and other programmes aimed at achieving the 2030 Agenda had to be flexible and responsive to constantly changing contexts, as countries and regions were facing huge and diverse challenges, including conflict-induced migration and refugee crisis situations and climate change. The United Nations should be prepared to meet States' needs with whatever resources were required, while maintaining efficiency in spending. Finally, relationships had to be developed with parliamentarians, as they determined the budget to achieve the plans and visions of governments.
- 833.** *A Government representative of Ethiopia* said that the reform process was important and timely. It was crucial that it should consider the views and concerns of all UN member States and other stakeholders, including the ILO. His Government had aligned its development plans with the 2030 Agenda, was working with over 28 UN agencies under the UN "Delivering as One" approach, and would participate in the voluntary national reviews. The reform would affect peacekeeping operations, and development and humanitarian activities in his country. The ILO's unique tripartite nature provided a platform for constituents to discuss labour issues of global importance, and he asked how that would be taken into account in the UN reform process to avoid any negative impact on the working methods of the ILO. He also asked how the existing UN humanitarian and development system was viewed in the light of the reform, noting that any potential disruption of a country's development activities and humanitarian obligations should be avoided.
- 834.** *A Government representative of Lesotho* commended the UN Secretary-General's proposals, which presented opportunities as well as challenges for the ILO and its constituents. She acknowledged the ILO's participation in consultations and as a member of the core group for inter-agency implementation. She welcomed the references to promoting gender parity in senior UN positions, enhancing protection against sexual harassment and abuse, and protecting whistle-blowers. They were also priorities for the Governing Body and tied in with the forthcoming Conference discussion on violence and harassment in the world of work. The ILO's experience in South-South and triangular cooperation would benefit the

development of partnerships for the 2030 Agenda; however, different forms of partnerships should be sought, and they should be adapted to the needs of partners. She expressed support for the reforms, but called on the UN Secretary-General to recognize the challenges of implementation on the independent governance structure of the ILO.

- 835.** *A Government representative of South Africa* requested clarification on how initiatives would be rolled out and their practical application, and cautioned that it was important not to change processes that worked well. In particular, DWCPs were negotiated with the social partners to ensure ownership of strategic objectives, and it was unclear how that would be affected by the reform. ILO interactions with country offices were effective, supportive of both member States and social partners, and underpinned by tripartism, which must not be lost. It appeared from the proposals that ILO directors in field offices would report to both the ILO and the Resident Coordinator, which could result in duplication, confusion and targets being missed. The ILO, as a specialized agency, should be allowed to continue its operations unhindered; it would be unfortunate if previous improvements to the ILO's normative activities and supervisory mechanisms were unwittingly reversed.
- 836.** *A Government representative of Japan* welcomed the reform of the UN development system to improve the quality of services delivered in developing countries, and expressed a commitment to making a constructive contribution to reach consensus during consultations. Although uncertainties remained regarding the impact of the reform on the ILO as a specialized agency, the Organization should take the opportunity to become more efficient and effective. Close attention should be paid to the reform of field operations in particular.
- 837.** *A Government representative of Saudi Arabia* said that his country had aligned its programmes with the SDGs to achieve national objectives. The specific circumstances of individual countries was among the major principles of UN development action and formed the basis for the UNDAFs and ILO assistance provided to member States in implementing the Decent Work Agenda and reporting on ratified Conventions. He asked how the specificities of countries and the ILO itself would be taken into account during the reform, while building upon previous successes.
- 838.** *A Government representative of Nepal* expressed support for the reform of the UN development system, notably the strengthening of the Resident Coordinator position and the use of common premises, operations and services to enhance efficiency. "Delivering as One" through UN Country Teams by taking a strategic, results-based approach to planning, management and implementation at the country level was a realistic aim that required multi-stakeholder partnerships, and which should be geared towards attainment of the SDGs. The emphasis on effective Country Teams and Resident Coordinators was vital to achieve results in the field and ensure extensive engagement with governments, civil society, development partners and other stakeholders involved in UNDAF implementation, monitoring and evaluation. It was indispensable for the ILO to increase its collaboration with UN Country Teams, given the coverage of the Decent Work Agenda in the SDGs. As underscored in the 2016 QCPR report, it was imperative to align UN operational activities for development with national development plans in a targeted way, and regularly monitor and report on results. The ILO should follow the UN development reform closely and ensure it encouraged multilateral mechanisms to bring about action that led to results.
- 839.** *A Government representative of Argentina* applauded the Secretary-General's proposal to create a UN Department of Political and Peacebuilding Affairs and a UN Department of Peace Operations, and expressed the hope that that would provide a better response and coordination mechanism to tackle obstacles to peace and human rights. She acknowledged the need for a full review of UN strategic and operational leadership on matters such as preparing budgets, reducing duplicative structures in areas such as humanitarian work, and increasing transparency in decisions with international relevance. The ILO should be

cognizant of its role in the reform of the UN development system, as the outcomes would have a significant bearing upon its work. She supported the Secretary-General's proposals, in particular with regard to the presence of UN Country Teams and all strategic actions taken towards the implementation of the 2030 Agenda and adaptation of the UN system structure at the regional level. Given the importance and positive impact those measures would have, it would be crucial to comply with the proposed timeline.

- 840.** *A Government representative of Brazil* expressed appreciation for the proposals in the Secretary-General's report, such as the cost-effective and collaborative models for a UN field presence based on country priorities. Brazil expected UN Country Teams to work closely with governments to ensure that they participated fully in the preparation, implementation, monitoring and evaluation of UNDAFs and to strengthen accountability and national ownership. Resources saved could be directed to strengthening end activities. Innovative funding modalities, such as pooled funds, could serve as an alternative to earmarked funds, while innovative partnerships could build synergies, improve development results and generate additional funding. She highlighted the overarching objective of the UN development system to eradicate poverty. Tripartism should remain a central feature of the ILO in a reformed UN, and the Organization's successful experience in South-South and triangular cooperation should be explored as a way to further strengthen the ILO's role in a repositioned UN system.
- 841.** *A Government representative of Canada* commended the ILO's commitment to system-wide cooperation and coordination, and welcomed its leadership role in the implementation of the 2030 Agenda. Many of the reforms proposed by the UN Secretary-General were critical to future effectiveness of the system. Her country was a strong supporter of UN reform, particularly fostering coherence and complementarity, and reducing duplication and overlap. Geneva-based UN bodies must be integrated into UN reform planning, particularly on the UN development system reform at the country level. The ILO had expertise and access points to society through the social partners, which would be imperative in addressing challenges in achieving the SDGs. She firmly supported the reforms aimed at strengthening the Resident Coordinator system to ensure a more secure funding base and enhance impartiality and accountability, and appreciated efforts to address the need for alignment between the SDGs and a range of new funding models. Anchoring reforms to achieve results for the most vulnerable demanded a focus on gender equality, human rights and labour rights, and the embedding of multi-stakeholder partnerships into the UN development system – areas in which the ILO was well placed to assist. Finally, she requested information on the specific measures that would be introduced to mainstream human rights and labour rights in the UN development system reform with a view to reflecting the rights-based foundation of the SDGs.
- 842.** *A Government representative of Colombia* said that the ambitious proposals for the reform of the UN development system were an absolute priority and the 2030 Agenda would provide a roadmap to guide member States. As to the view that all the UN bodies had to act in concert in implementation, it was unclear exactly how the ILO, as a specialized agency, would be fully integrated into the reform, or how its relationship to the UN system would change from April 2018. She requested clarification on that point, especially given the fact that UN General Assembly resolutions were not binding on the ILO, and given the ILO's tripartite composition, where Employers and Workers also had a vote.
- 843.** *A Government representative of Mexico* commented that the 2030 Agenda was ambitious, and its achievement would require a paradigm shift in the way that UN organizations worked and interacted with Member States. She agreed that the United Nations was no longer at the helm in development work, and that none of the agencies were yet implementing the SDGs, but rather still advancing the Millennium Development Goals. That was indicative of the need to accelerate the reform, which her Government fully supported and which would

require all parts of the UN system to make every effort to implement. The ILO had many assets to contribute, including its tripartite composition, which could improve the application of the 2030 Agenda on the ground. In conclusion, her Government wished to see the reform successfully completed, as it was important for both the United Nations and all the Member States.

- 844.** *Speaking on behalf of the Eastern Europe and Central Asia group*, a Government representative of Poland expressed strong support for the active involvement of the ILO in the UN reform process and noted the need for a coherent framework for all UN agencies. The unique tripartite structure of the ILO allowed it to balance the interests of all stakeholders, together with its range of international standards and independent supervisory mechanisms; that meant it should play an important role in the UN development system and the implementation of the 2030 Agenda. The DWCPs were helping many countries progress towards decent work and economic growth, and he believed that the Organization would strengthen its leadership in the context of technological advancements and environmental challenges. In conclusion, he asked how the ILO's longstanding and rich experience of tripartism could best contribute to a coherent UN system, and how the reform would benefit the ILO in turn.
- 845.** *Speaking on behalf of the Western Europe group*, a Government representative of Ireland reiterated his group's support for the UN reform agenda, which would be essential for the delivery of the SDGs. He noted that tripartism, normative activity and standards supervision were the main recurring themes within the Governing Body. He asked firstly how the ILO could transfer its successful experience in tripartism, including through the DWCPs, to the preparation of effective UNDAFs, and what guidance could be provided to UN Country Teams to help them make the most of the social partners' expertise. Secondly, he requested details on what measures would be taken to ensure that the reform did not prevent the ILO, as a normative organization, from fulfilling its mandate and related activities at the country level; more specifically, he asked what scope there was under the reformed UNDAFs for the Governing Body to continue its role of recommending country-specific technical assistance projects to help a country meet normative labour standards as a follow-up to a complaint procedure. Lastly, he asked what steps could be taken to ensure that the ILO and other specialized agencies were fully bound to the reform process, particularly in relation to the targets on common premises and back-office functions.
- 846.** *A representative of the United Nations Industrial Development Organization (UNIDO)* said that the ILO and UNIDO had complementary mandates to support socio-economic development in developing countries. Although the globalization of business and trade offered opportunities, too many people were still being left behind. Inclusive industrialization could provide decent work, given the potential of the manufacturing industry to create employment, and would allow deeper integration into the global economy. Industry helped workers develop their skillsets and obtain better-paid jobs, accompanied by improved social protection and worker security. The new UN development system architecture would offer scope for the ILO to work closely with UNIDO at the country level to respond to the socio-economic development priorities of member States. Achieving the objectives of the 2030 Agenda would require the UN development system to address the gaps identified in the Secretary-General's report, which particularly affected the implementation of the SDGs linked to the economy and the environment. UNIDO was committed to addressing such gaps. UN agencies should work with other development actors to establish effective mechanisms on the basis of the new architecture proposed in the Secretary-General's report. They should help developing countries respond to challenges posed by the fourth industrial revolution and rapidly emerging new technologies, which would have profound implications for industrial production and job creation. To create impact, UN agencies would need to join forces and strengthen programming, resource mobilization and implementation, in particular at the country level. UNIDO sought to

strengthen and operationalize its alliance with the ILO through knowledge exchange and by leveraging their respective field networks, and looked forward to working with the ILO and other entities with an economic development mandate to contribute to the ongoing debate on the new UN development system architecture.

- 847.** *The Worker spokesperson* expressed appreciation for the Deputy Secretary-General's acknowledgement that the Governing Body should discuss how the UN reform could benefit from the ILO's unique experience and structure. The ILO's work often positioned the Organization itself, rather than the countries, in the driving seat, with the Governing Body making decisions and issuing recommendations on international labour standards. Those standards were increasingly important in an era of globalization, when the existence or absence of decent work in one country affected another country; a level playing field created by those standards was needed to drive forward sustainable development. It was also important to mention unions explicitly: as valuable partners in development, cooperation and finding solutions, workers' organizations had to be involved as well as the workers themselves. An issue of great concern to workers was whether the future of work would include decent jobs and a social safety net, which were an essential part of sustainable development, and social justice was key to securing peace. Lastly, she called for the ILO's own decision-making structures to be recognized and respected during the reform. The Organization would remain committed to the SDGs, but needed to maintain its fully tripartite decision-making process.
- 848.** *The Employer spokesperson* welcomed the agreement expressed on the issues being discussed. It was critical that the UN reform should be favourable to all stakeholders. The UN system would benefit from the ILO's unique and specific tripartite structure, which any reform should accommodate and strengthen. However, it remained unclear how that structure could be preserved and strengthened. The future of work and governance of the world of work needed a fully functional and relevant ILO that remained consistent with its mandate. The ILO might make a more focused impact through the UN's modular, on-demand Country Teams, while not neglecting its constituents in places with a limited ILO presence. Given the governance and decision-making power of the social partners in the Organization, the question of how the tripartite structure could be accommodated in the reform process remained to be answered.
- 849.** UN partnerships should not be conditional on adherence to the Global Compact. Many companies already upheld principles equivalent to those of the Global Compact and the International Chamber of Commerce could play a role in fostering partnerships with such companies and businesses. The Organization represented a high number of those businesses, at the national and international level, from all sectors and of all sizes, many of which were involved in development issues and the SDGs. It was essential that the UN development system was equipped to assist States with development challenges. However, the financial implications of the reform and the means whereby short-term increases would translate into long-term savings remained unclear. He asked what options were available to the ILO, as a member of the UN system, in the event that the reform had a negative impact on its mandate and constituents. He also asked, in view of the short time frame, how the Organization could respond if the General Assembly resolution failed to accommodate the ILO's specific mandate.
- 850.** *The United Nations Deputy Secretary-General* thanked participants for the constructive discussion. Much of the discussion among member States of specialized agencies went unheard at General Assembly meetings, which reported primarily to foreign ministries. All member States therefore, from Geneva to New York, should ensure that they gathered to discuss the reform prior to the adoption of the resolution in order to ensure its successful implementation, particularly given the short time frame for its adoption.

- 851.** With regard to the SDGs, SDGs 1 to 6 represented the unfinished business of the Millennium Development Goals. The corresponding SDG indicators and targets had been made more ambitious. SDGs 7 to 15 addressed the economy, including, in SDGs 13 to 15, the added value to the economy of environmental protection and sustainability. Investment in SDGs 7 to 15 would foster an inclusive economy, which would subsequently generate country revenues to pay for SDGs 1 to 6, prompting an end to dependency on aid. Such a process amounted to genuinely sustainable development. It had been difficult to secure SDG 16, as it referred to the normative agenda and the importance of having strong institutions to apply the 2030 Agenda. SDG 17 related to partnerships and funding required for implementation. Therefore, although the ILO might most cherish SDG 8, as it was the most relevant to its mandate, the strength of the 2030 Agenda lay in the interconnectedness of the SDGs and its potential would be realized only if specialized agencies contributed to the network of targets and indicators.
- 852.** The ILO would have to play a role in the transition process for the implementation of the reform, as well as in the UNDAFs and the Resident Coordinator system. Although Resident Coordinators should have some political acumen, all roles must be filled by persons with the most appropriate skills.
- 853.** In the context of the reform, humanitarian law took precedence and saving lives remained the primary objective. The success of the 2030 Agenda would not be measured only in terms of results and posts created, but rather in sunset clauses and in the shutting down of many specialized agencies owing to the achievement of their development mandate. Sustainable development essentially meant empowering countries to no longer rely on development aid and agendas.
- 854.** The aspects of the 2030 Agenda that addressed data, young people and gender were particularly important. Data collection had to be reinforced in the United Nations in order that women, and all vulnerable groups, were not left behind. Data should be qualified and shared; and ILO data was especially useful. South–South cooperation was growing rapidly and discussions were being held on ways to leverage and facilitate it. Major conceptual changes had occurred and the reform would ensure that UN actions and offices were fit for purpose and more responsive to SDG requirements. ECOSOC should be strengthened and made the point of reference for development issues to the same extent as other development agencies, such as the European Bank for Reconstruction and Development and the World Economic Forum. In order to increase its relevance at the international level, the reform recommended holding ECOSOC meetings in Europe in addition to New York. The purpose of the proposed dual reporting lines in the field offices was to increase coordination and coherence, in full respect of each person’s mandate to report to their headquarters. Discussions were still ongoing, however, and decisions had not been made as the resolution remained to be approved.
- 855.** Faced with a trust deficit with regard to the reform, it was vital to ensure openness, transparency and accountability in the process to adopt the resolution. It was important to recall the context for the reform: the lives of 7.5 billion people required improvement. Although it appeared an impossible feat, as Nelson Mandela had said, “it always seems impossible until it is done”. In that light, thanks were due especially to those who supported the reform but had concerns about its implementation. An environment had to be created to dampen those concerns and provide a sense of synergy and of the possibility of solutions. National governments had a duty to steer the direction of the process but ownership of the reform should be system-wide, and forums with different constituencies should be set up to inform governments to enable them to meet their responsibilities and their people’s aspirations. Member States were contributing to the reform from both within and outside the system and it was critical to ensure that all constituencies, such as the trade unions, were

well defined and in a position to contribute to the discussions. Certain goals required further work and integration into the 2030 Agenda. The ILO should also engage with the UNDG.

- 856.** The discussions being held at the ILO, and with other development partners in the UN system and governments, often covered the same social and economic themes but lacked coordination. Many agencies were considering, in isolated discussions, issues that were spearheaded by the ILO. It was important to identify ways to increase coherence and incentivize sectors to jointly address the challenges in spaces such as the United Nations System Chief Executives Board for Coordination (CEB) and the UNDG. The alignment between the ILO's mandate and the SDGs did not undermine the distinct normative aspects of that mandate. More consideration should be paid, however, to the relationships of UN country-level operations with both governments and the UNDG.
- 857.** The ten principles of the Global Compact, which were due to be reviewed, were only a guide and not endorsed by all Member States. Further, 80 per cent of the businesses and partnerships working with the UN agencies had not endorsed the Global Compact and any party not belonging to it was fully entitled to participate in the UN system. With regard to the financial implications of the reform, an allocation by UN development system entities of 15 per cent of non-core resources to joint activities for the Resident Coordinator system should be seen as an investment in the inter-agency pooled funds. Discussions were also ongoing on staggering funding over six to 18 months, in accordance with the work being carried out.
- 858.** Lastly, gender parity reform was the most important aspect overall, with an aim of promoting parity in the secretariat by 2020. It entailed changing power relations and holding discussions on zero tolerance of sexual harassment, and sexual exploitation and abuse. Implementing parity was more complicated in certain areas, such as peacekeeping. To that end, it was important to raise awareness in academic institutions and encourage women's involvement. Actually achieving gender parity required a discussion, not yet pursued, on the real consequences for men, which essentially meant them giving over some of their posts for women. Equally, with regard to sexual harassment, and sexual exploitation and abuse, discussions on the rights of victims were being held, but conversations with the men who perpetuated such violence did not exist. Without such conversations, there would never be gender equality. The United Nations, as a whole, should set an example by enforcing gender parity in practice and addressing sexual harassment, and sexual exploitation and abuse. Gender equality was a global issue and Member States should contribute to the processes and discussions of the United Nations.
- 859.** *The Director-General* said that the discussion had been enlightening and necessary, and had helped advance the discussion on the 2030 Agenda and related matters. Unanimous support had been expressed for both the UN reform process and the 2030 Agenda. The Organization would need to closely review its responsibilities and interests in those areas, the first of which was a strengthened and enhanced multilateral system. It was illusory to believe that the ILO could move forward if the system as a whole did not move forward in unity. The Organization's place in the reform could not therefore be dictated by an institutionally narrow or defensive perspective, as its interests were broader. It must be an active agent of the reform process and had been afforded considerable space and scope to contribute to it, for which he was particularly appreciative. The Organization's responsibility in the 2030 Agenda was not limited to SDG 8, just as it was not the only organization charged with delivering on that Goal. It was incumbent on the ILO to assume a broader responsibility within the network of interrelationships, which rendered the notion of partnership vitally important. The specialized agencies, and specifically the ILO, were strategic assets in the reform, and thus tripartism, international labour standards and the supervisory system were also assets in that process, which should be leveraged to be properly exploited.

- 860.** The discussion had helped clarify the areas in which the ILO needed to define its response, such as its place in the UN Country Teams. While challenges existed, they were not insuperable. As part of the intrinsic tripartism of the Organization, it was incumbent on the Employer and Worker constituencies to take their places in the process, by increasing capacity building and mobilizing the social partners.
- 861.** The Governing Body would discuss all the issues raised at the current debate, including the Global Compact, in the near future in the light of the short time frame, with a view to positioning itself in the decision-making process. With regard to gender parity, the Organization had made progress but more needed to be done. The leadership of the representative of Canada and the International Gender Champions network were contributing to raising awareness and identifying creative ways to make progress to combat sexual harassment and abuse.
- 862.** *The Chairperson* thanked all participants and expressed his gratitude to the United Nations Deputy Secretary-General for her presence and engagement with the Governing Body. A rich, frank and timely discussion had taken place, and he trusted that the UN Member States would note with interest the views of the ILO social partners on the reform proposals, as well as the potential challenges the Organization would face as a specialized agency with a unique mandate and governance structure.

Strategic Policy Segment

Second item on the agenda

Decent work for sustainable development

([GB.332/HL/2](#))

- 863.** *The Chairperson* recalled that the purpose of the discussion was to prepare the ILO's contribution to the ECOSOC High-level Political Forum on Sustainable Development, whose theme for 2018 was "transformation towards sustainable and resilient societies". The Forum would examine SDGs 6 (water and sanitation), 7 (energy), 11 (cities), 12 (sustainable consumption and production) and 15 (terrestrial ecosystems and biodiversity) and their interlinkages to each other and the other SDGs, concluding with the adoption of a ministerial declaration.
- 864.** *The Employer spokesperson* reminded Governing Body members that the goals of economic development, social justice and environmental sustainability were the only means of creating more resilient societies. The group appreciated the balanced and integrated approach to the economic, social and environmental aspects of sustainable development provided by document GB.332/HL/2. However, the group did not subscribe to the erroneous idea that the conceptual framework provided by the 2030 Agenda could also be referred to as a "normative framework". She recalled that the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* provided non-binding practical guidance to governments and the social partners, which was key to their future adoption.
- 865.** With regard to SDG 6 (water and sanitation), priority should be given to effective and sustainable water and sanitation management, especially in areas of high water shortages, while ensuring that policies and regulations did not discourage investment, limit productivity or compromise growth and job creation and redeployment. Capacity building and public-private partnerships would play an important role in that regard, and progress should be measured by building on SDG 17 (means of implementation and partnerships).

- 866.** With regard to SDG 7 (energy), a regulatory framework was paramount and, in a highly competitive global market, enterprises needed solid climate and energy policies based on clear objectives that fostered innovation. Investment in the green economy should generate enough jobs to offset job losses in the fossil-fuel and energy-intensive sectors. In that connection, social dialogue and capacity building that took into account specific geographical situations and national contexts were essential in the transition to a low-carbon economy.
- 867.** As for SDG 11, governments and municipalities had a vital role to play in improving living conditions, and enterprises in improving infrastructure energy efficiency and waste management or in reducing greenhouse gas emissions through sustainable transport systems. With respect to both SDGs 11 and 12, enterprises should be encouraged to adopt circular production systems, to maximize recycling and the reuse of materials. However, the differing sizes, locations, and levels of maturity and technical capacity of enterprises would have an impact on their ability to do so, especially small and medium-sized enterprises (SMEs). Employers' organizations were therefore important as agents of change and providers of technical assistance and capacity building.
- 868.** The employment and social dimensions should be at the heart of environmental programmes for achieving SDG 15 (terrestrial ecosystems and biodiversity), and policy decisions aimed at capping the use of resources must be accompanied by incentives for job redeployment, skills development, business creation and improving labour market fluidity, as well as accessible, sustainable and economically viable compensation schemes.
- 869.** Her group welcomed the proposal to provide support to employers' and workers' organizations to facilitate their participation in the High-level Political Forum. However, more clarity was needed on how the Office intended to do so both in the short and long term.
- 870.** The Office should continue working with other international organizations, including the Conference of the Parties (COP) to the UN Framework Convention on Climate Change. The ILO should impart the following five messages to the High-level Political Forum: the need to ensure an enabling environment for sustainable enterprises through policy convergence; encourage economic and fiscal incentive policies to support the transition to low-carbon solutions; anticipate changing skills requirements and plan for the implementation of accessible and economically viable social protection policies to accompany the transition; provide for evaluations of the economic and employment impacts of all sustainability measures; and focus on a bottom-up approach and capacity building rather than new regulations.
- 871.** *The Worker spokesperson* said that the ILO's contribution to the High-level Political Forum discussion should be based on the principles of social justice, enshrined in the ILO Constitution and the Declaration of Philadelphia, and the concept of a just transition, which were crucial for vulnerable populations worldwide. The *Guidelines for a just transition towards environmentally sustainable economies and societies for all* should be used as a basis for the ILO's contribution.
- 872.** The sustainable management of water and sanitation was a source of decent jobs, mainly in publicly owned water and sanitation utilities. The ILO should therefore address the public ownership of water and water justice at the High-level Political Forum. The right to water should not be associated with investment opportunities, as was often the case in the current model of agribusiness, which posed an obstacle to accessing safe water and benefited the few at the expense of the many.

- 873.** He sought clarification on whether the energy section of the document was referring to renewable energy, as a just transition to renewable resources was of paramount importance. Moreover, the availability of energy was vital for economic transformation. Regarding job-creation opportunities, there should be a clear reference to opportunities for decent work. He noted with concern that the references to women in paragraphs 12 and 20 were limited to their work in the home. The path towards a low-carbon economy and sustainable development needed to be well planned and managed in order to create equal decent work opportunities for men and women.
- 874.** With respect to sustainable cities, he noted that there was no mention of ILO joint efforts with cities and local governments to implement the Decent Work Agenda. In that connection, the ILO's contribution to the High-level Political Forum discussion could reference the Maputo Roadmap on South-South Cooperation for Local Governments. The document should highlight that the consequences of environmental degradation and unsustainable patterns of production would not only affect us in the future, but were also currently being felt and affected the most vulnerable populations.
- 875.** During the High-level Political Forum, the ILO should stress the importance of the social partners in achieving the SDGs and of the *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. It should also promote the relevant international labour Conventions linked to the SDGs mentioned in the paper. The Workers supported the draft decision.
- 876.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that, for Africa, attainment of the SDGs would be a milestone towards achievement of the continent's development objectives. Integration of the decent work goals into the work of the UN system would assist member States in their SDG efforts. The DWCPs should therefore be aligned to the 2030 Agenda. New job opportunities in the green economy were welcomed, although with some reservations. Renewable energy and the new technology needed to generate electricity was not regularly available or affordable in Africa; it would require additional financing, regulation, and technology innovation and transfer.
- 877.** Access to clean drinking water and water storage capacity remained a major challenge to Africa's development, and ILO technical support was needed for infrastructure development planning. In addition, the lack of clean drinking water increased the threat of disease and affected the social and economic productivity of communities. The ILO's ongoing collaborative projects with other international organizations, such as the WASH4Work initiative, were therefore welcome.
- 878.** As rural-to-urban migration increased, sustainable urban planning of land use, housing and transportation was critical to harness the productive potential of African cities. Strengthening expertise in urban planning through education and skills development was therefore crucial, as was providing job-creation opportunities, especially for marginalized communities.
- 879.** Regional, economic and social development plans, along with social dialogue, were important drivers of concrete progress towards achieving the SDGs at national level. To ensure that workers' and employers' voices were heard within all frameworks, her group recommended that: an integrated approach should be taken to the implementation, monitoring and evaluation of progress towards the SDGs, taking into account what was provided for in the DWCPs at national level; resources should be shared among the UN agencies to minimize the duplication of efforts at national level; and collaboration should be strengthened between development partners in the African Union Commission to support countries in achieving the African Union's Agenda 2063.

- 880.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh reinforced the need for the further rollout of ILO activities that contributed to the environmental, economic and social dimensions of sustainability. She called upon the Office to invest more in low-carbon infrastructure, green construction and the creation of green jobs, in line with the ILO's Green Initiative. The Office should make further progress on the issue of the threat to employment opportunities from climate change, before the High-level Political Forum review in 2019. ASPAG welcomed the ILO's community-contracting guidelines for the provision of basic services such as water, sanitation and energy, but asked the Office to explore the viability and effectiveness of the guidelines. Technical support to promote SMEs, such as training for enterprises and their workforces, would help to ensure efficient production. The Office was asked to ensure the adequate protection and sustainable use of biodiversity and ecosystems in all of its programmes. Lastly, for clarity, the challenges to sustainable development that affected the world of work should be spelled out separately in the document.
- 881.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, the EFTA country Norway, members of the European Economic Area, as well as the Republic of Moldova and Georgia aligned themselves with her statement. She recalled that the ILO's main responsibility in relation to the SDGs was the achievement of SDG 8 on decent work and economic growth. Contributions to other SDGs should be made through close cooperation with other relevant organizations. Transformation towards sustainable and resilient societies would have a tremendous impact on the world of work and on working conditions. She called for policies that would improve sustainability in consumption and production patterns, in accordance with agreed international frameworks. Economic growth needed to be decoupled from environmental degradation; it was important to raise awareness of the economic and social costs of environmental damage. The EU was committed to the promotion of a green growth model that outlined a structural economic change. The ILO was in a position to contribute to the shift towards an energy- and resource-efficient circular economy that would increase competitiveness and boost economic growth while creating decent jobs. Social dialogue would play an important role at the national and local levels in the restructuring of economic sectors affected by the shift towards renewable energies. Recalling the vulnerable situation of workers in the informal economy, she underscored that the initiative on the formalization of the informal economy was essential to the realization of several SDGs. The ILO could provide a valuable contribution to the major challenges highlighted in the report, based on its values, knowledge and experience.
- 882.** *A Government representative of Azerbaijan* said that his country supported the ILO's Future of Work Initiative. He outlined the progress that Azerbaijan had made through the successful implementation of a programme of economic policy aimed at generating employment, creating decent work opportunities and improving social welfare. Azerbaijan's experience of applying a tripartite process to evaluate policy proposals had been recommended by the ILO as an example of best practice.
- 883.** *A Government representative of Ethiopia* said that the High-level Political Forum would provide an opportunity for the ILO to demonstrate the relevance of its mandate to the attainment of sustainable and resilient societies. The ILO's contribution to the provision of basic services was greatly appreciated. Social dialogue in water resources management made an important contribution to the fair and equitable distribution of scarce resources. Access to modern energy and its efficient use had an impact on social and economic development. He welcomed the ILO skills development programmes for energy, established in three countries, and encouraged the Office to increase the number of countries which benefited from those programmes. Furthermore, the ILO's support to member States for the inclusion

of labour issues in their national development policies and programmes was of critical importance. He called on the ILO to reinforce and maintain its involvement in the High-level Political Forum in a more concrete manner, as the Forum afforded an opportunity to ensure that social justice was at the heart of sustainable development.

- 884.** *A Government representative of Peru* said that changing employment patterns posed a continuous challenge to traditional perceptions of standard employment relationships, which reaffirmed the need to ensure that all citizens in all countries could access decent work. His country had taken steps towards that goal by adopting a strategy to reduce the size of the informal economy through improving productivity and employability, strengthening institutional capacity in respect of labour inspection and boosting the formal economy. In addition, it was creating plans aimed at reducing the gender pay gap, sexual harassment in the workplace and discrimination against people belonging to vulnerable groups; creating a registry to identify children at risk of child labour; and including forced labour in the country's revised criminal code. Furthermore, it was adopting legislation to help workers engage in collective bargaining. Spaces for tripartite dialogue on labour matters were available at the national and regional levels in Peru. His Government was currently in the process of formulating a social security policy to build on the progress already made and reaffirmed its commitment to working towards decent work for all.
- 885.** *A Government representative of India* said that her country was tackling the challenges inherent in providing quality water and sanitation to its huge population. It had also instituted programmes aimed at developing infrastructure, cleaning up both urban and rural areas and instituting "smart" solutions in cities. The effective and sustainable management of water and sanitation could provide direct and indirect sources of economic activity and quality jobs. In addition, the ILO had the capacity to promote international cooperation free from protectionism in order to leverage technological advancement and promote innovation in sectors dependent on natural resources.
- 886.** Her country was committed to clean energy transition. Aside from being a founding member of the International Solar Alliance, India was a major contributor to the achievement of the target of producing one terawatt of solar power capacity by 2030. As cleaner energy industries led to more skilled jobs, the ILO should promote international cooperation in that area. However, as those industries were often also loss-making, their sustainability was in doubt, as was the willingness of new players to join the sector. Wider consultations among all stakeholders were needed to address those issues. Her country supported the ILO's expanded role in addressing the challenges to sustainable development that affected the world of work and looked forward to making systems more robust and resilient.
- 887.** *A Government representative of the Russian Federation* said that sustainable development was crucial to any economy, developed or developing. Many of the policies and laws in the Russian Federation already included measures to achieve the SDGs. His country had been focusing in particular on achieving SDGs 1 and 8, and had achieved positive results, including wage increases and labour market stability. The need to improve the quality of drinking water in line with SDG 6 had been formally recognized by the President, as had the need to improve productivity in large and medium-sized enterprises in key industries by at least 5 per cent per year, including by ensuring the achievement of SDG 12. The Russian Federation would be stepping up its efforts and hoped that it would be able to count on the expert support of the ILO in that endeavour.
- 888.** *A Government representative of the Islamic Republic of Iran* expressed support for the measures taken by the Office thus far. He underscored the relationship between the environmental, economic and social dimensions of sustainability. Failure to tackle the challenge of climate change and its impact on the world of work effectively would compromise the ability of countries to attain many of the SDGs. On the eve of the

ILO centenary, governments and the social partners should seek and adopt new constructive and confidence-building initiatives to cope with the challenge. It was imperative that the ILO tripartite constituents attempted to jointly develop a coherent and convergent strategy to overcome the problems identified. The ILO had a role to play in reinforcing international cooperation with respect to a green economy. Further research into the challenges and opportunities of a green transition should be conducted. Skilled workers and productive enterprises were required, including cooperatives equipped with technical know-how. His country had adopted a National Plan for Green Jobs and welcomed the development of international cooperation in that respect.

- 889.** *A Government representative of the United States* applauded the call for shared responsibility in the 2030 Agenda. While recognizing the important linkages between the world of work and SDGs outlined in the paper, she asked the ILO to prioritize its resources in areas that were squarely within its mandate. With that in mind, she saw a stronger role for the Organization in the 2019 High-level Political Forum, which would address decent work and economic growth, and a more limited role in the 2018 Forum. She strongly supported national responsibility as stressed in the 2030 Agenda. Countries must work towards implementation in accordance with their own national policies and priorities. Upon the request of constituents, the ILO should provide assistance aimed at gaining a better understanding of the impact on national economies of sustainable water, energy, cities, production and consumption, and achieving ecosystem protection. The Office should also assist Members in their efforts to consider policies in those areas, which would benefit workers and enterprises.
- 890.** *A Government representative of Nepal* said that water supply was still a challenge for Nepal and his Government would appreciate ILO assistance in the areas of access to clean water and sanitation; affordable, reliable and sustainable energy; sustainable consumption and production; sustainable cities; and ecosystem protection. He stressed the importance and difficulty of attaining SDGs 7 and 11. Resources were limited and their excessive exploitation could put livelihoods at risk. He therefore asked the Office to expand programmes such as SCORE (Sustaining Competitive and Responsible Enterprises) and PAGE (Partnership for Action on Green Economy). Innovative and sustainable options and lower dependence on natural resources for work and employment were needed to protect Nepal's biodiversity. He requested the Office to prepare comprehensively for the High-level Political Forum and to consult regularly with the constituents in that regard.
- 891.** *A Government representative of Argentina* said that it was a matter of concern that SDG 13 on climate change had been relegated to 2019. The other selected SDGs should thus be examined taking into account their linkages to SDG 13. She commended the work of the ILO on water and sanitation, particularly the Employment-Intensive Investment Programme. It was crucial that the ILO continued its work on job creation and training in a way which advanced the transition to renewable energies. Green jobs were very important in reducing the environmental impact of companies and economic sectors since they improved energy efficiency and efficiency in the consumption of raw materials and water. It was essential to build resilience in cities. That should involve the creation of decent work which promoted ecologically sustainable growth. Governments should share knowledge in order to improve urban planning and management. Production and consumption patterns must change. Sustainable production could be promoted through tripartite dialogue, and the ILO could facilitate its feasibility for SMEs. Sustainable consumption patterns could be promoted through companies designing solutions which encouraged individuals to lead more sustainable ways of life and governments mobilizing technical and financial assistance to strengthen scientific and technological capacities in that area. It was also important to protect biodiversity. Indigenous populations and the example they provided were invaluable. "Protection" was the keyword, including of biodiversity, resources, workers and migrants.

Her Government agreed that the pillars of the Decent Work Agenda should be prioritized in all action undertaken towards sustainable, robust and inclusive development.

- 892.** *A Government representative of Brazil* said that the ILO should encourage job creation in the renewable energy sector. Poverty and unemployment in rural areas could be better addressed through inter-agency work, for instance among the ILO, the Food and Agriculture Organization (FAO) and UNDP. He agreed on the need to address new technologies and labour standards simultaneously, while also promoting sustainable consumption and production patterns. The social pillar could not be neglected in efforts towards sustainable development.
- 893.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships), responding to a question from the Employers' group, said that the Office ran several training programmes aimed at all constituents, particularly the social partners, including programmes on the transition towards decent work, green jobs and sustainable housing. The work of the Office in that area was carried out at the national, regional and global levels. Nationally, the Office supported all constituents from countries submitting a voluntary national review; regionally, the Office provided support for all relevant activities; and globally, the Office would be organizing events and activities within the context of the High-level Political Forum. The Office commended its constituents for their efforts on the SDGs and had taken note of their needs. All amendments, proposals and guidance provided on document GB.332/HL/2 would be taken into account ahead of the High-level Political Forum. Following on from the statements of the Governments of the United States and Nepal, he said that both the 2018 and 2019 High-level Political Forums were relevant for SDG 8, which was at the heart of ILO activities.

Decision

- 894.** *The Governing Body requested the Director-General to take account of its guidance in further developing the ILO contribution to the 2018 High-level Political Forum (HLPF).*

(GB.332/HL/2, paragraph 61.)

Appendix I

Scale of assessments

State	Draft ILO scale of assessments 2019 (%)
1 Afghanistan	0.006
2 Albania	0.008
3 Algeria	0.161
4 Angola	0.010
5 Antigua and Barbuda	0.002
6 Argentina	0.893
7 Armenia	0.006
8 Australia	2.338
9 Austria	0.720
10 Azerbaijan	0.060
11 Bahamas	0.014
12 Bahrain	0.044
13 Bangladesh	0.010
14 Barbados	0.007
15 Belarus	0.056
16 Belgium	0.885
17 Belize	0.001
18 Benin	0.003
19 Bolivia, Plurinational State of	0.012
20 Bosnia and Herzegovina	0.013
21 Botswana	0.014
22 Brazil	3.825
23 Brunei Darussalam	0.029
24 Bulgaria	0.045
25 Burkina Faso	0.004
26 Burundi	0.001
27 Cabo Verde	0.001
28 Cambodia	0.004
29 Cameroon	0.010
30 Canada	2.922
31 Central African Republic	0.001
32 Chad	0.005
33 Chile	0.399

State	Draft ILO scale of assessments 2019 (%)
34 China	7.924
35 Colombia	0.322
36 Comoros	0.001
37 Congo	0.006
38 Cook Islands	0.001
39 Costa Rica	0.047
40 Côte d'Ivoire	0.009
41 Croatia	0.099
42 Cuba	0.065
43 Cyprus	0.043
44 Czech Republic	0.344
45 Democratic Republic of the Congo	0.008
46 Denmark	0.584
47 Djibouti	0.001
48 Dominica	0.001
49 Dominican Republic	0.046
50 Ecuador	0.067
51 Egypt	0.152
52 El Salvador	0.014
53 Equatorial Guinea	0.010
54 Eritrea	0.001
55 Estonia	0.038
56 Ethiopia	0.010
57 Fiji	0.003
58 Finland	0.456
59 France	4.861
60 Gabon	0.017
61 Gambia	0.001
62 Georgia	0.008
63 Germany	6.392
64 Ghana	0.016
65 Greece	0.471
66 Grenada	0.001
67 Guatemala	0.028
68 Guinea	0.002
69 Guinea-Bissau	0.001
70 Guyana	0.002
71 Haiti	0.003
72 Honduras	0.008
73 Hungary	0.161

State	Draft ILO scale of assessments 2019 (%)
74 Iceland	0.023
75 India	0.737
76 Indonesia	0.504
77 Iran, Islamic Republic of	0.471
78 Iraq	0.129
79 Ireland	0.335
80 Israel	0.430
81 Italy	3.750
82 Jamaica	0.009
83 Japan	9.684
84 Jordan	0.020
85 Kazakhstan	0.191
86 Kenya	0.018
87 Kiribati	0.001
88 Korea, Republic of	2.040
89 Kuwait	0.285
90 Kyrgyzstan	0.002
91 Lao People's Democratic Republic	0.003
92 Latvia	0.050
93 Lebanon	0.046
94 Lesotho	0.001
95 Liberia	0.001
96 Libya	0.125
97 Lithuania	0.072
98 Luxembourg	0.064
99 Madagascar	0.003
100 Malawi	0.002
101 Malaysia	0.322
102 Maldives, Republic of	0.002
103 Mali	0.003
104 Malta	0.016
105 Marshall Islands	0.001
106 Mauritania	0.002
107 Mauritius	0.012
108 Mexico	1.436
109 Moldova, Republic of	0.004
110 Mongolia	0.005
111 Montenegro	0.004
112 Morocco	0.054
113 Mozambique	0.004
114 Myanmar	0.010

State	Draft ILO scale of assessments 2019 (%)
115 Namibia	0.010
116 Nepal	0.006
117 Netherlands	1.483
118 New Zealand	0.268
119 Nicaragua	0.004
120 Niger	0.002
121 Nigeria	0.209
122 Norway	0.849
123 Oman	0.113
124 Pakistan	0.093
125 Palau	0.001
126 Panama	0.034
127 Papua New Guinea	0.004
128 Paraguay	0.014
129 Peru	0.136
130 Philippines	0.165
131 Poland	0.841
132 Portugal	0.392
133 Qatar	0.269
134 Romania	0.184
135 Russian Federation	3.089
136 Rwanda	0.002
137 Saint Kitts and Nevis	0.001
138 Saint Lucia	0.001
139 Saint Vincent and the Grenadines	0.001
140 Samoa	0.001
141 San Marino	0.003
142 Sao Tome and Principe	0.001
143 Saudi Arabia	1.147
144 Senegal	0.005
145 Serbia	0.032
146 Seychelles	0.001
147 Sierra Leone	0.001
148 Singapore	0.447
149 Slovakia	0.160
150 Slovenia	0.084
151 Solomon Islands	0.001
152 Somalia	0.001
153 South Africa	0.364
154 South Sudan	0.003
155 Spain	2.444

State	Draft ILO scale of assessments 2019 (%)
156 Sri Lanka	0.031
157 Sudan	0.010
158 Suriname	0.006
159 Swaziland	0.002
160 Sweden	0.957
161 Switzerland	1.141
162 Syrian Arab Republic	0.024
163 Tajikistan	0.004
164 Tanzania, United Republic of	0.010
165 Thailand	0.291
166 The former Yugoslav Republic of Macedonia	0.007
167 Timor-Leste	0.003
168 Togo	0.001
169 Tonga	0.001
170 Trinidad and Tobago	0.034
171 Tunisia	0.028
172 Turkey	1.019
173 Turkmenistan	0.026
174 Tuvalu	0.001
175 Uganda	0.009
176 Ukraine	0.103
177 United Arab Emirates	0.604
178 United Kingdom	4.465
179 United States	22.000
180 Uruguay	0.079
181 Uzbekistan	0.023
182 Vanuatu	0.001
183 Venezuela, Bolivarian Republic of	0.571
184 Viet Nam	0.058
185 Yemen	0.010
186 Zambia	0.007
187 Zimbabwe	0.004
TOTAL	100.000

Appendix II

Update of member States contributions received between 1 and 12 March 2018

Since 1 March 2018, contributions for 2018 and prior years amounting to CHF26,337,254 have been received from seven member States as follows:

Member States	Contribution received for 2018	Contribution received for arrears	Total contributions received (in CHF)
United Kingdom	16 967 047	–	16 967 047
Mexico	–	4 657 000	4 657 000
Panama	15 802	–	15 802
Norway	3 226 522	–	3 226 522
Sri Lanka	117 832	–	117 832
Malaysia	1 223 868	–	1 223 868
Trinidad and Tobago	129 183	–	129 183
Total	21 680 254	4 657 000	26 337 254

Total contributions received in 2018, therefore, amount to CHF160,304,210 [comprising CHF105,101,799 for 2018 contributions and CHF55,202,411 for arrears of contributions]. The balance due as of today is CHF385,372,957.

Appendix III

Statement by the Chairperson of the Staff Union to the Programme, Financial and Administrative Section of the Governing Body (332nd Session – 13 March 2018)

Mr Chairperson,

Mr Director-General

Ladies and gentlemen, members of the Governing Body,

Dear colleagues,

It is an honour to address you today as the elected Chairperson of the ILO Staff Union, which represents approximately 70 per cent of staff. This is a great opportunity for me to share with you some remarks on employment relations, the morale of staff and their position on items featured on the Governing Body's agenda.

As you can see, we are now at a critical juncture. ILO staff are present in large numbers and are joined by staff representatives from other Geneva-based organizations of the common system. On their screens, we are also joined by our colleagues in the field who we are proud to represent today.

The images which you can see on your screens are of the first global day of action organized by staff from across the entire United Nations and its specialized agencies, which took place on 27 February 2018 worldwide. This day of action demonstrated to the Secretary-General as well as to the whole world that confidence could no longer be entrusted in the body responsible for determining our terms of employment, namely the International Civil Service Commission (ICSC), the founding principles of which are independence, transparency and responsibility. This Commission is meant to work on the basis of reliable and recognized methods which are in the interests of the international United Nations civil service, adapted to the system and in accordance with the values that it represents.

From Abuja to Santiago, Addis Ababa to Bangkok, New York, Vienna or Geneva to the most remote corners of the earth where UN cooperation and development projects are implemented, all categories of staff, whether G-grade employees, P-grade employees or precarious workers, repeatedly referred to in unacceptable ways by the United Nations as "non-staff" and which comprise the underground army of consultants with no status and lacking decent work conditions, stood up together that day and said: enough! Extraordinary general assemblies, demonstrations and work stoppages took place on a day that will go down in the history of the United Nations. But this is just the beginning! I already mentioned in my statement last November that this mounting anger, contrary to the enduring stereotype perpetuated by certain malicious rumours, is not a tantrum of spoiled civil servants residing and working at headquarters, but a symptom of a more deep-seated malaise. And, as usual, if we do not address the cause of a disease, the chances of a cure diminish daily, as is the case, for instance, with the United Nations system. I would like to give you a specific example: that of our colleagues in Bangkok who you can see in large numbers in these photographs. They are G-grade and national officials recruited locally and who are now having a third salary scale imposed on them after a periodic survey was conducted by the ICSC. ILO salaries in Bangkok therefore do not offer equal pay for equal work, flouting all international labour Conventions.

Prior to the day of action, on 22 February the three federations representing all the staff unions and associations from across the UN, sent a letter to the UN Secretary-General as

well as to all the directors of the specialized agencies explaining the reasons for their anger and expressing their demands.

The demands are as follows:

- end all cooperation with the ICSC putting all decisions on hold, particularly those that are contested by staff from all duty stations;
- withhold all financial contributions to the ICSC until a comprehensive reform is actually launched.

Since a response to the letter is yet to be received, a number of resolutions have been adopted in various staff general assemblies to ensure that all means available to the staff unions and associations, whether social or legal, are harnessed to ensure that demands are satisfied. At the *Palais des Nations*, our UN colleagues will decide next Thursday whether to go on strike.

And it would not be the first time. Thirty years ago, in 1988, after a whole year of strikes within the whole United Nations system and after the boycott of the federations, a General Assembly resolution already instructed the ICSC to respect the Noblemaire and Flemming principles and to carry out its tasks according to its mandate.

Ladies and gentlemen, members of the Governing Body, what you should know about the decisions that you are going to have to take during this session of the Governing Body, is that within this Commission, there is no rigour, no transparency, no social dialogue and a recurrent lack of good faith. I will refer to this again later in my statement. It is extremely damaging to the reputation of the United Nations.

In fact, the many complaints made in 2017 about the new unified salary scale and the reduction in Professional staff allowances and benefits (“the compensation package”) are already laying waste. The United Nations Dispute Tribunal has ruled in favour of the complaints made in December 2017, noting, over more than two pages, the “lack of independence of the ICSC”. It also directly implicated the United Nations Secretary-General for not having adequately warned the General Assembly (the United Nations Governing Body, as it were) concerning a possible violation of contractual rights and acquired rights of staff in light of the recommendations made by the ICSC.

And, of course, the Secretary-General has appealed against rulings issued in favour of staff members!

However, further to those rulings, it has also been brought to the attention of staff representatives that the Secretary-General has given strict instructions to the Chairman of the ICSC to present proposals to the United Nations General Assembly as soon as possible so that it can review the negative financial impacts of the compensation package on staff.

I am taking the time to inform you of these events in detail, ladies and gentlemen, members of the Governing Body, so that the same fiasco does not occur at the ILO. And they are of course related to the document before you, document GB.332/PFA/11, which reviews the decisions taken by the ICSC at its 85th Session on the post-adjustment index for Geneva.

This document details the latest abuses of power perpetrated by the ICSC since last November, when the Governing Body wisely decided to defer its decision to the current session owing to a lack of convincing and substantive information.

I assure you that the ILO staff representatives have read this document, prepared by the administration, very carefully and on a number of occasions.

They can attest and corroborate all of the events outlined in this document.

- Firstly, since July 2017, the ICSC has taken several decisions unilaterally and in contravention of agreements reached with administrations or staff federations.

- Secondly, it intimated with an assurance, which was actually a bluff, that the salary reduction would be lower and that it would be subject to a methodological examination, carried out with the administrations and staff.

Instead, at the beginning of February 2018, ILO officials in the Professional and higher categories learned that the initial reduction remained unchanged at around 8 per cent and, in accordance with the application of the buffer of 3 per cent, which was arbitrarily reintroduced in July 2017, their salaries could decrease by 5.1 per cent from June onwards.

Two weeks ago, the session of the Advisory Committee on Post Adjustment Questions (ACPAQ) was held in New York. The consultant's final report confirms the larger part of the analysis carried out in May 2017 by the previous statisticians and more broadly raises the issue of coherence between the methodology and outcomes.

Nevertheless, the ICSC still does not recognize these errors and does not intend to revisit the survey carried out in September 2016, which has since been proven by two different sources to be biased from start to finish.

The ACPAQ now proposes to refer this issue once again to the 86th Session of the ICSC, which will start in New York next week on 19 March and finish on 29 March, and which intends to draw up a workplan and schedule to examine such methodologies for the future.

The staff representatives consider that this proposal does not fully respond to staff demands and will not solve the crux of the problem.

Promises bind only those who believe them, and it should be noted that the ICSC does not honour its word. When there is no collective bargaining mechanism through which all the parties present commit themselves and enter into an agreement, it has to be expected that poor practices will be repeated ad infinitum.

The ICSC must first be reformed and its decisions frozen.

As I have already said, this is not the first time that this request has been made, but the necessary measures must be taken urgently before chaos reigns supreme. Or are we to understand that, from now on, only those General Assembly resolutions that favour the richest and most powerful member States will be implemented?

So, ladies and gentlemen, members of the Governing Body, will the decision be taken to apply a decrease in salaries at the ILO that would entail a loss in salary equivalent to almost one month and has been proven on two occasions to be based on a flawed survey?

Can the Governing Body of the ILO, now aware of the truth and the risks involved, take a decision that defies common sense and rigour, only to hear in the next two years at the ILO Administrative Tribunal that the decision taken on 21 March 2018 was in full knowledge of the facts and the Organization will be fully liable to pay millions in compensation to staff at the expense of its activities and programmes?

Can the Governing Body, on behalf of a common system which is sick and in need of reform, full of shortcomings and riddled with irregularities, break with the last 100 years upon which the International Labour Organization is built?

Could the Governing Body of the International Labour Organization invoke its specific function and integrity during the coming discussions on the United Nations reform, which will take place in this very room next week on 19 March, and yet fail to consider that specific function when it comes to the conditions of employment of its own staff? Can it fail to demand a reform of internal bodies such as the ICSC while relying on international labour standards to guarantee its specific function?

It is all a question of consistency and dignity.

If the worst were to happen, I fear that the ILO could no longer be considered to be the global guardian of social justice, decent work and fundamental rights at work.

This cannot and must not happen, and we are counting on you ladies and gentlemen, members of the Governing Body.

Staff of the ILO and the other United Nations organizations will not accept this Committee being used as a Trojan horse by the richest member States to conduct a policy of austerity. They will no longer accept decisions on their conditions of work being left in the hands of a Committee which is completely disconnected from the realities on the ground and its secretariat, stubbornly attached to its own mistakes. A Committee whose members no longer have any sense of honouring their word or rigour and who work without transparency or independence. This brings shame on the fundamental values and principles of all the organizations of the United Nations system, for which this staff is proud to work. It is particularly shameful in light of the Standards of Conduct for the International Civil Service, which all our colleagues here today were obliged to sign when they were recruited. Shouldn't the rules be the same throughout the United Nations system?

This time confidence has well and truly been broken.

Ladies and gentlemen, members of the Governing Body, the staff declare:

No confidence in the ICSC, *plus aucune confiance dans la CFPI, no confidencia en la CAPI.*

Catherine Comte-Tiberghien

13 March 2018