



Governing Body

336th Session, Geneva, 22 June 2019

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Minutes of the 336th Session of the Governing Body of the International Labour Office

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of the Governing Body of the
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The 336th Session of the Governing Body of the International Labour Office was held in Geneva on Saturday 22 June 2019, presided over by Ms Silvia Elena Alfaro Espinosa (Government, Peru), as outgoing Chairperson, and Mr Refilow Litjobo (Government, Lesotho) as incoming Chairperson.

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Institutional Section

First item on the agenda

Election of the Officers of the Governing Body for 2019–20

(GB.336/INS/1)

1. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan said that his group had nominated Mr Refiloe Litjobo, Ambassador, Permanent Representative of Lesotho to the United Nations Office and other international organizations in Geneva, for the post of Chairperson of the Governing Body for the 2019–20 period. Prior to his appointment in Geneva, Mr Litjobo had been a member of parliament, with technical expertise on diverse issues. His wide-ranging career in government multilateral diplomacy and civil society meant that he would have the essential knowledge and skills to face the challenges that lay ahead, not least in dealing with the dynamics of tripartism that were particular to the Organization.
2. He thanked the outgoing Chairperson for her skill and enthusiasm in leading the work of the Governing Body, in particular in order to achieve a consensus on some difficult issues on its agenda on the eve of the 108th Session (2019) of the Conference.

Decision

3. ***The Governing Body elected Mr Refiloe Litjobo, Ambassador, Permanent Representative of Lesotho to the United Nations Office and other international organizations in Geneva, to the post of Chairperson for the 2019–20 period.***

(GB.336/INS/1, paragraph 3)

4. *The outgoing Chairperson* said that it had been an honour and privilege for her to serve as Chairperson at such a symbolic time for the Organization. She thanked the constituents, the spokespersons for the groups and the entire Organization for the confidence placed in her. She gave special thanks to the Director-General, the Deputy Directors-General, the directors and their teams for their support. From almost the moment she had stepped off the aeroplane three and a half months previously, she had taken up the task entrusted to her and had endeavoured to fulfil it with the greatest responsibility, diligence and personal commitment. Multilateralism was constantly evolving at a time in history when the so-called Fourth Industrial Revolution was rapidly expanding. The strength and added value of the Organization's unique tripartite structure had the huge potential to facilitate consensus, which would be more difficult if negotiations were only between governments. All constituents must continue to strengthen that potential together.
5. The commemoration of the ILO's first Centenary had led to a reflection on the fundamental role that the ILO had played from its inception in protecting labour rights and building a world in which social justice prevailed. In that connection, the International Labour Conference, following arduous negotiations, had succeeded in adopting the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019 and the ILO Centenary Declaration for the Future of Work. The instruments marked a new phase in the work of the Organization and would be particularly relevant to the Governing Body, which had responsibility for ensuring the proper implementation and application of the new Declaration.

6. The ILO dealt with cross-cutting issues related to the achievement of the 2030 Agenda for Sustainable Development. It was therefore important to ensure that it remained the leading agency in the United Nations system in matters related to its mandate, without losing sight of the fact that the focus of its attention was on human beings and the need to generate the conditions for dignified and decent work. In addition to the commitments made at the Centenary Session of the Conference, in its second century the Organization would have to continue to address challenges in the areas of self-employment, new jobs in the digital era, labour informality, competitiveness and productivity, youth employment, the wage gap and gender equality.
7. *The Worker spokesperson* applauded Ms Alfaro Espinosa for taking on the challenge of stepping in as Chairperson at short notice with great enthusiasm, for her grace and strong commitment to the ILO, and for trying to balance all interests.
8. *The Employer spokesperson* said that the experience of having Ms Alfaro Espinosa as Chairperson of the Governing Body had been short but very sweet. Her charm, sense of humour, ability to be calm and to take over as Chairperson at such short notice had been admirable.
9. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Uruguay expressed particular appreciation for the efforts of the outgoing Chairperson to accomplish her work in the short time since she had arrived, alongside the tasks expected of her as Permanent Representative of Peru in Geneva. She expressed pride, on behalf of all women, in what it meant to have Ms Espinosa as Chairperson. Her group also applauded the work of her predecessor, Mr de la Puente Ribeyro, for whom all GRULAC members had great affection. She welcomed the incoming Chairperson, who would have a difficult task ahead as he moved forward with the Governing Body's work.
10. *The Director-General* commended the outgoing Chairperson on becoming a key part of the Organization so quickly. Everybody had been very pleased that it had fallen to Peru to chair the Governing Body in the first part of its Centenary year because Peru was the home of its Regional Office for Latin America and the Caribbean, with which the Office had a strong relationship. Her mandate had been short, but intensive; immediately upon her arrival she had chaired a Governing Body session, which had not been easy with a draft budget to adopt and the Centenary Session of the Conference to prepare. Thanking her for her great professionalism, determination, enthusiasm and good humour, he presented the outgoing Chairperson with the gavel of the Governing Body as a token of its appreciation.

(Mr Litjobo took the Chair.)

11. *The incoming Chairperson*, thanking the Government group and in particular his region, Africa, for nominating him, and the Employers and Workers for their endorsement, said that he was honoured by the confidence placed in him. An historic session of the Conference had just ended, celebrating the Centenary of the ILO, the only organization in the multilateral system where governments, employers and workers sat side by side and worked together to promote decent work. The discussions were not always easy, but he continued to believe in the strength of social dialogue and the values of tripartism that the Organization embodied. He came with that conviction, the commitment to listen to all views and the determination to forge genuine tripartite consensus. The Conference had just adopted a new groundbreaking standard to prevent and eliminate violence and harassment at work and an historic ILO Centenary Declaration. Those were proof that, despite the difficulties intrinsic to its unique tripartite structure, the Organization was capable, with perseverance and determination, of achieving important milestones that had a real impact on the working lives of millions of people, which was at the heart of its work.

Decision

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

(GB.336/INS/1, paragraph 3)

Second item on the agenda**Approval of the minutes of the 335th Session
of the Governing Body**

([GB.336/INS/2](#))

Decision

- 13. *The Governing Body approved the minutes of its 335th Session, as amended.***

(GB.336/INS/2, paragraph 2)

Third item on the agenda**Questions arising out of the 108th Session
of the International Labour Conference
requiring immediate attention**

- 14. *The Employer spokesperson, referring to the outcome of the Committee of the Whole, said that the remaining task was to ensure that the ILO Centenary Declaration for the Future of Work was translated into action because only then would it be able to have an impact on people's lives. The resolution on the ILO Centenary Declaration for the Future of Work, 2019, must be reflected in the Programme and Budget for 2020–21. Furthermore, policy areas must be given due attention, particularly the strengthening of constituents' capacities.***
- 15. *With regard to the Standard-Setting Committee: Violence and Harassment in the World of Work, while his group had expressed some misgivings about the content of the Convention and Recommendation, it was nevertheless pleased with the outcome. Henceforth, it was critical for the Governing Body to ensure that the commitments made in adopting the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019 were turned into action.***
- 16. *The discussions of the Committee on the Application of Standards had been very constructive, and the group was especially pleased that the Committee had in 2019 addressed a balanced shortlist of 24 cases, which had included a case of progress. However, time management, as always, had been an issue, and should be addressed.***
- 17. *The format of having a high-level section of the plenary, with world leaders invited to speak, and thematic forums had helped elevate the Organization to a different level and make it a more relevant organization. Consideration should be given to finding a way to maintain a similar format in future Conferences in order to sustain that level.***

18. *The Worker spokesperson* said that the overly long working hours during and outside of committee sessions stretched beyond the limits of decent working conditions; that had to be addressed for future Conferences. It affected social dialogue and the ability to reach good outcomes. Time set aside for breaks and informal talks was essential; social dialogue could not work if every moment was filled with meetings. In the Committee of the Whole, it had not been possible to achieve the quality of language appropriate for a centenary declaration due to a lack of time for consultations. Nevertheless, the Committee of the Whole's outcome document would provide a good road map for much work ahead the ILO.
19. With regard to the Standard-Setting Committee, the Convention and Recommendation adopted concerning violence and harassment in the world of work were of major importance to the Workers. It was a scourge in the world of work and had been on the agenda since the beginning of the Industrial Revolution. Likewise, the Workers were pleased that the strength of the supervisory system had been confirmed in the Committee on the Application of Standards.
20. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan commended the Director-General and the Office on the successful Centenary Session of the Conference and thanked ILO staff for their tireless work, during long hours, and their dedication to furthering decent work and social justice for all. He congratulated the tripartite constituents on the historic achievement of a Convention and a Recommendation concerning the elimination of violence and harassment in the world of work. He welcomed the efforts and commitment of all parties to drafting the ILO Centenary Declaration for the Future of Work, the work of the Committee on the Application of Standards, the high-level speeches and dynamic thematic debates. His group looked forward to collective tripartite work in the ILO's second century.
21. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that the Conference had served as a platform both to celebrate the achievement of the ILO in its quest for social justice and peace and to demonstrate the renewed readiness and commitment of the ILO and its tripartite constituents through social dialogue to work together more effectively to eradicate poverty, unemployment and inequality in an era of unprecedented technological change and political and economic uncertainty.
22. The path chosen by the Organization in entering its second century would maximize the opportunities to achieve a brighter future, the first step being the adoption of the Convention and Recommendation concerning the elimination of violence and harassment in the world of work. The Africa group was particularly delighted that the ILO Centenary Declaration for the Future of Work expressed a tripartite commitment to democratizing the governance of the ILO and that the accompanying resolution reaffirmed the importance of taking the necessary steps to bring the 1986 Instrument for the Amendment of the Constitution of the International Labour Organisation into force. However, the outdated governance structure of the Organization limited its ability to provide leadership in achieving social justice in the modern world. The Governing Body should give priority to bringing about democratic change within the Organization.
23. *Speaking on behalf of GRULAC*, a Government representative of Uruguay welcomed the adoption of the Violence and Harassment Convention, 2019 (No.190), and the ILO Centenary Declaration for the Future of Work. However, GRULAC would have preferred to have had more time to negotiate the text of the historic Declaration and more clarity over inclusive and truly tripartite working methods. That would have resulted in a more substantive and satisfactory text for all parties and better working conditions for those who had been part of the negotiation process. With regard to implementing the Declaration, her region preferred the channelling of work through the Governing Body, rather than creating new structures.

24. Her region's concerns over the need to revise the working methods of the Committee on the Application of Standards had not been properly addressed. In particular, there was a need for: no breaks in regular cycles; a better balance in the cases chosen for examination by the Committee; and greater consideration of the particularities of national legal systems and circumstances. The final list of cases should be disclosed as far in advance as possible, and always before the start of the Conference, to enable governments to participate effectively. Priority should be given to the most serious cases, based on objective technical criteria. The governments whose cases were under examination by the Committee should be informed well before the conclusions were issued, so that they had the opportunity to give their views before the adoption of the conclusions by the plenary.
25. Her group deeply regretted that the positions of the region were still not reflected in the Committee's document C.App./D.1. on its work. Governments must have sufficient time to prepare their reports, thereby ensuring that the experts' analyses and discussions in the Committee were based on quality information. In that regard, GRULAC intended to make a proposal to establish a new deadline for the submission of annual reports. It had stated repeatedly that the supervisory system did not conform to the best practices of the multilateral system. It was not transparent, impartial, objective or tripartite, and did not foster social dialogue.
26. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada, supporting the statement made by the Government group, said that IMEC was pleased with the work of the Committee on the Application of Standards, which had again fully discharged its duties. It urged the Organization to stand firm against any efforts to weaken the Committee and its supervisory function and to support the independence and impartiality of the Committee of Experts. The group was open to reflecting on the working methods of the Committee on the Application of Standards in a positive, collaborative manner to ensure that its work retained the confidence of all tripartite constituents and at the same time contributed to creating and maintaining decent work and social justice.
27. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that the EU and its Member States aligned themselves with the statement made by IMEC and emphasized the need to enforce the ILO supervisory system and maintain it at the same level.
28. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of China supported the statement made by the Government group.
29. *The Director-General* said that the issues raised, as well as those submitted later in writing, would be addressed at the 337th Session (October–November 2019) of the Governing Body. He drew attention to the fact that, although the budget for the coming biennium had been adopted, the Governing Body had still to decide at its November session on the substantive content of the programme. The modified process for the programme and budget had been put in place precisely because of the need to take into account the ILO Centenary Declaration and accompanying resolution once adopted by the Conference.

Fourth item on the agenda

Reports of the Committee on Freedom of Association

([GB.336/INS/4/1](#) and [GB.336/INS/4/2](#))

- 30.** *The Chairperson of the Committee on Freedom of Association* announced that arrangements had been made so that the Committee's next reports would be made available early in the 337th Session of the Governing Body (October–November 2019). Introducing the 389th and 390th Reports of the Committee on Freedom of Association, he said that at its meeting in June 2019, there had been 160 cases before the Committee, of which 20 had been examined on their merits, as well as the follow-up to the recommendations of the Commission of Inquiry in respect of Belarus. Regrettably, three cases – Cases Nos 3183 (Burundi), 3249 (Haiti) and 3275 (Madagascar) – had had to be examined without the benefit of replies from governments. He had been able to raise the importance of cooperating with the special procedures directly with the representatives of Haiti and Madagascar, and looked forward to their renewed engagement when the Committee returned to those cases. On the same note, he encouraged the Governments of Afghanistan, Liberia, Maldives and Somalia to respond to the complaints in the cases pending before the Committee, so that their detailed explanations and observations could be taken into account when the Committee examined them at its next meeting. The deadline for the receipt of those observations was 30 September 2019.
- 31.** The Committee had been able to note the withdrawal of Case No. 3254 (Colombia), due to the signing of an agreement between the parties in the framework of the Special Committee for the Handling of Conflicts referred to the ILO. He commended the parties for arriving at that decision. The Committee had examined 14 cases in follow-up and concluded its examination with respect to three of them: Cases Nos 3750 (France), 2752 (Montenegro) and 2789 (Turkey).
- 32.** The Committee drew the attention of the Governing Body to two serious and urgent cases. The first, Cases Nos 2761 and 3074 (Colombia), involved allegations of the murder of trade union leaders and other acts of anti-union violence. The Committee had noted the institutional initiatives that had been taken in recent years, including the announcement of the creation of a special corps of judges tasked with the speedy judicial resolution and sentencing of the perpetrators and the convening of several meetings of the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights, where strategies for protecting human rights and tackling impunity had been shared with the main trade union confederations. While the Committee appreciated those efforts, he urged the Government of Colombia to continue to redouble its efforts to ensure that all acts of anti-union violence, murders and other acts reported were fully investigated, and that both the perpetrators and instigators were punished according to the law. In addition, while taking note of the significant efforts made to afford adequate protection to union leaders and members at risk, the Committee urged the Government of Colombia to strengthen those efforts within the framework of appropriate tripartite and social dialogue to tackle the main causes of anti-union violence, so that the prevention policies could achieve greater impact.
- 33.** The other serious and urgent case was Case No. 2508 (Islamic Republic of Iran), in which the Committee had once again urged the Government to expedite its legislative reform, with a view to bringing the legal framework into conformity with the principles of freedom of association. He urged the Government to ensure that workers at the Tehran and Suburbs Bus Company were free to choose the union they wished to join and that they were able to carry out their activities without interference. The Committee urged the Government to continue its efforts in communication with competent judicial authorities in order to ensure that

peaceful and legitimate union activities did not entail criminal charges or sanctions and that any such charges were immediately lifted. He was glad to report that he had been able to have a candid and constructive discussion with the delegation of the Islamic Republic of Iran, and had been assured that the Government would continue its efforts and would, where necessary, seek the assistance of the Office.

34. Turning to the 290th Report, he noted that, in accordance with a decision taken by the Governing Body at its 291st Session, the Committee had also once again reviewed the measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry. While welcoming the involvement of the social partners – through the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere – in addressing the challenges of collective bargaining at sectoral and territorial levels, the Committee emphasized that any outcome of that work was linked to the overall situation of trade union rights in the country and that sound industrial relations required trust between the partners and respect and observance of freedom of association, both in law and in practice. The Committee therefore urged the Government to strengthen its efforts in addressing its previous conclusions and recommendations, as well as the outstanding comments of the Committee of Experts to fully implement the recommendations of the Commission of Inquiry. In particular, the Committee urged the Government to consider, within the framework of the tripartite Council, the measures necessary to ensure that the matter of legal address was no longer an obstacle to the registration of trade unions, and to amend Decree No. 24 and the Law on Mass Activities. The Committee also noted with regret the adoption of Ordinance No. 49 – Regulations on the procedure of payment for services provided by the internal affairs authorities in respect of protection of public order, expenses related to medical care and cleaning after holding a mass event – which appeared to render it nearly impossible to carry out mass activities under the law. The Committee requested the Government to take the necessary steps for its repeal. Lastly, the Committee strongly encouraged the Government, together with the social partners, to continue working towards the establishment of an efficient non-judicial dispute resolution mechanism, which dealt with labour disputes involving individual, collective and trade union matters.
35. He concluded by expressing his appreciation for having been able to meet with around a dozen delegations to take up various pending issues, encourage them, and assure them that the purpose of the supervisory mechanism was not to apportion blame, but rather to encourage member States to meet their obligations under the ILO Constitution. He was also proud to have presented the Committee’s annual report for the period 2018 to the Committee on the Application of Standards for the first time, and appreciated the trust and confidence placed in him.
36. *The spokesperson for the Employer members of the Committee* recalled that the Chairperson of the Committee on Freedom of Association had been called upon to present a report on its work to the Committee on the Application of Standards during the Conference. The role of the Committee on Freedom of Association was to examine complaints brought before it, regardless of whether the relevant Conventions had been ratified, and to make conclusions and recommendations to guide governments and national authorities. The objective of their work was not to apportion blame, but to engage in constructive dialogue and to promote respect for freedom of association, both in law and in practice. The Chairperson and both Vice-Chairpersons of the Committee had also been invited to participate in the thematic forum on freedom of association and the effective recognition of the right to collective bargaining, held during the Centenary Session of the Conference. The event had been an interesting debate that had highlighted the importance of the Committee’s work, which was very important for employers’ organizations as well as workers’ organizations.
37. The Committee had analysed 20 cases in-depth during its June session. Definitive conclusions had been reached in ten cases – seven definitive reports and three reports in

which the Committee requested to be kept informed of developments – and interim conclusions in ten cases. The Committee wished to highlight the serious and urgent Cases Nos 2761 and 3074 (Colombia), and Case No. 2807 (Islamic Republic of Iran), and expected responses and quick solutions from the Governments concerned, following the recommendations that had been made.

- 38.** Other important cases the Committee had examined included Case No. 3258 (El Salvador), which concerned the alleged imposition of arbitrary conditions for registering trade union executive committees and the issuing of accreditation to their members. It had been presented by the trade unions, but was also highly relevant to the employers, as it also dealt with irregularities in the appointment of employers' representatives in a number of tripartite bodies. The Committee had observed that it seemed to be a common problem in El Salvador that employers' organizations had been undermined by government interference in the process of nominating and appointing representatives. A similar case mentioned in the report brought by an employers' organization (Case No. 2980) was still ongoing. Another similar case had been examined by the Committee on the Application of Standards in 2016 and 2017, and the International Organisation of Employers (IOE) had requested the urgent intervention of the Director-General. Hopefully the situation would soon be resolved.
- 39.** He drew attention to Case No. 3250 (Guatemala), regarding alleged incompatibilities between the functions of public servant of the Public Prosecutor's Office and union leader, as well as alleged failure to comply with various clauses of the collective agreement on working conditions in that Office. The allegations in the case had been very vague and lacked the evidence to demonstrate a clear link between the complaints and a violation of the principle of freedom of association.
- 40.** The final case he wanted to highlight was Case No. 3184 (China), which related to allegations of the arrest and detention of eight advisers and paralegals who had provided support services to workers and their organizations in handling individual and/or collective labour disputes, as well as police interference in industrial labour disputes. New allegations had been made by the International Trade Union Confederation (ITUC) earlier in the year, relating to harassment, intimidation, arrests and physical abuse of workers. The Committee was particularly concerned with the seriousness of those allegations, especially since human lives had been put at risk.
- 41.** The Chairperson and several other representatives of the Committee had been able to speak to a number of government delegations during the Conference about their pending cases. Those exchanges had been very useful in strengthening dialogue and finding solutions to difficult and long-standing issues, particularly in cases where there had been poor responses from governments. Indeed, the value of the Committee lay in the continuous exchange of information, but that dialogue could not begin and solutions could not be found without proper and timely replies from governments.
- 42.** Finally, he requested the Governments listed in paragraph 6 of the report to submit their responses before 30 September 2019, since their cases would likely be dealt with at the upcoming Committee session in October/November.
- 43.** *The spokesperson for the Worker members of the Committee* began by noting that although the 160 cases before the Committee represented a significant caseload, it was in fact a reduction in number from the previous high point. The Committee's ability to conclude complaints was of course helped when governments responded promptly and fully to the matters raised. The introduction to the report noted several cases in which urgent appeals had been made to governments but observations had not yet been received, also drawing attention to the procedural rules under which the Committee could proceed without the benefit of those observations, if necessary.

44. The Committee had examined 14 cases in which it had asked to be kept informed of developments, as outlined in paragraphs 15–109 of the report. Three of those cases had been concluded: Cases Nos 2750 (France), 2752 (Montenegro) and 2789 (Turkey). The others remained in follow-up, since the Committee had been concerned to see less progress than it had hoped, and therefore wanted to continue to receive information. All of those cases were important, but several involved trade unionists who had suffered violence, imprisonment, heavy fines or dismissal. Case No. 2096 (Pakistan) had been particularly long-standing, dating back to dismissals that had taken place in 2001.
45. She drew attention to the two serious and urgent cases: Case No. 2508 (Islamic Republic of Iran), and Cases Nos 2761 and 3074 (Colombia). The case against the Islamic Republic of Iran involved a complaint that had been considered annually since 2007, involving continued acts of repression – including harassment, violent attacks and arrests – against trade unionists at a Tehran bus company. The Committee had also considered the more recent allegations that peaceful industrial action by truck drivers in Qazvin Province had resulted in 150 arrests, with a further 200 truckers being taken into custody, and that the death penalty had reportedly been requested for 17 of them. The Committee was very concerned not to have received a response to all the most recent allegations, and reiterated that no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike. They expected that fair trial guarantees would be assured and requested further information from the Government.
46. In Cases Nos 2761 and 3074 (Colombia), the complaints related to anti-union violence, including arson, murder and death threats. Some of the complaints dated back to 2010 and had been considered on numerous occasions. The Government had set out efforts that had been made to put an end to anti-union violence as part of the peace process, and the Committee was keen to ensure that they were kept informed of their ongoing results. When it had last considered the case in October 2017, the Committee had urged the Government to ensure that all of the acts of anti-union violence were fully investigated and that the perpetrators and instigators were prosecuted and sanctioned. They had asked to be kept informed of the initiatives and bodies that had been established to investigate and prosecute anti-trade union murders and violence and to ensure the safety of trade union leaders and trade unionists in the country. The Committee welcomed the steps that had been taken to tackle impunity and protect human rights; however, it appeared that there had been limited success in cases of anti-union violence and, while there had been convictions, the majority of cases remained unpunished. Furthermore, with regard to the more recent complaints alleging violence following the reporting of corruption inside the prison system, resulting in the deaths of 21 trade union members and leaders and the attempted killing of another, it was concerning that the Government had not been able to provide information on the progress of the investigations, other than that the Public Prosecutor's Office had stated that there was no link between the deaths and freedom of association. The Committee noted in its conclusions that the protection of trade unionists against retaliatory violence was a critical element of freedom of association, and asked the Government to give full and systematic consideration to possible links between the murders and the victims' trade union activities, including any possible complaints of acts of corruption they might have lodged.
47. The Committee had also considered Case No. 3184 (China), regarding police interference in labour disputes and the arrest and detention of advisers and paralegals supporting workers and their organizations. Following their consideration of the case in October 2018, a further complaint had been received alleging the abuse of workers exercising their fundamental right to establish organizations. One case concerned a labour activist whose identification documents had been withheld after his release from prison, preventing him from returning to his home city, following which he was put under surveillance then detained for Internet posts describing his activism and treatment by the authorities. Without papers, he also remained unable to access medical treatment or to apply for jobs. The new complaint also

included other allegations, including obstacles to peaceful assembly for workers, dismissals and transfers. The names of the individuals who had been detained or disappeared were included in the report. The Committee would consider the case again at its next meeting, and urgently requested the Government to provide a full reply.

48. With regard to Case No. 3018 (Pakistan), concerning the resolution of long-standing issues relating to dismissals at a hotel in Karachi, the Government had not yet been able to report that all the relevant legal procedures had been finalized, so the Committee requested that it be done without delay. They also reminded the Government that the hotel workers' trade union must be able to actively participate in the negotiations.
49. *The spokesperson for the Government members of the Committee* said that the Committee had been able to finalize its analysis of several cases, as well as discussing the important matter concerning its functioning. They had been able to find common ground and agreement on the number of cases, the inactive and follow-up cases, and on several steps to take in cases where comments and responses had not yet been received from governments or complainants. He thanked the social partners for their tireless work and endorsed the conclusions and recommendations contained in the report.
50. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that countries in her region were fully committed to the ILO supervisory bodies, including the Committee on Freedom of Association, and had a high rate of ratification of the Conventions and Recommendations. The Committee played a valuable role in promoting constructive tripartite dialogue with a view to guaranteeing labour rights and addressing alleged violations of freedom of association and collective bargaining, rights that were enshrined in the ILO Constitution. Nonetheless, it continued to be of concern that the majority of cases continued to come from their region, indicating a geographical imbalance. A significant majority – 80 per cent – of new cases concerned Latin American countries as well. It was crucial to update, strengthen and improve the standards supervisory system. It was important for the subcommittee on freedom of association to continue its work to conduct preliminary reviews of existing cases and create a proposed list of cases, prioritizing the most urgent and serious cases. There needed to be clear, balanced, transparent and objective admissibility criteria that in no way damaged workers' rights. That would facilitate the work of the Committee and the transmission of relevant information by the constituents. Unfortunately, there was still ambiguity and a lack of legal certainty in the handling of cases, in particular with regard to the closing of cases. She therefore urged the Governing Body to continue working on the crucial reform of the whole ILO supervisory system. A procedure needed to be put in place to guarantee the release of the reports sufficiently in advance, so that governments could participate in their consideration by the Committee. The report under consideration had been received less than 48 hours before the meeting. Recalling the commitment that the Director-General had made to the Governing Body in March, GRULAC welcomed the recent announcement by the Chairperson of the Committee that the next report would be published far enough in advance.
51. *A Government representative of China* reiterated that the parties involved in Case No. 3184 (China) had been punished for breaking the law, which had nothing to do with freedom of association. The Chinese Constitution provided that citizens were entitled to freedom of association and the trade union law gave employees the right to form trade unions. In dealing with those cases, the competent authorities had strictly followed the relevant rules and regulations as well as procedures to protect the legitimate rights of those involved. The Government would remain in contact with the secretariat on relevant issues, as requested.
52. *A Government representative of the Islamic Republic of Iran* said that his Government had provided its observations and replies to the Committee with regard to Case No. 2508. It was the policy of his Government to further empower the workers' and employers' organizations

so that they could effectively and freely play their part in the economy. There had been a significant increase in the number of such organizations in recent years. The allegations regarding the death penalty for truckers were baseless and detailed observations to that effect had been provided to the Committee. The Islamic Republic of Iran had adopted a national plan on decent work – prepared in collaboration with the social partners. The building blocks of the plan were: the promotion of social dialogue; protection of fundamental workers' rights; development of productive employment; and the expansion of social protection. His Government would make every effort to promote the principles of freedom of association and strengthen social dialogue. In view of the actions taken and the concrete progress made in settling the issues in the case, he requested that the Committee close Case No. 2508.

- 53.** *A Government representative of Panama* thanked the Office, and the Director of the International Labour Standards Department (NORMES) in particular, for the technical assistance that had enabled his country to develop a law formally regulating trade union rights in the public sector, which was the matter at issue in Case No. 3317. Unfortunately, after the text had been approved by Panama's tripartite committee, the independent representatives in the Legislative Assembly – without realizing that it had already been negotiated in a tripartite manner – had made a number of amendments that went against what had been agreed upon. The Government of Panama was currently in transition, so everything had been left pending until the new Assembly began its work on 1 July, after which the bill would have to be resubmitted.

Decisions

- 54.** *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–112, and adopted the recommendations made in paragraphs: 126 (Case No. 3115: Argentina); 149 (Case No. 3293: Brazil); 158 (Case No. 3183: Burundi); 186 (Case No. 3299: Chile); 215 (Case No. 3301: Chile); 261 (Case No. 3184: China); 296 (Case Nos 2761 and 3074: Colombia); 318 (Case No. 2830: Colombia); 346 (Case No. 3258: El Salvador); 364 (Case No. 3284: El Salvador); 387 (Case No. 3290: Gabon); 411 (Case No. 3250: Guatemala); 422 (Case No. 3249: Haiti); 444 (Case No. 2508: the Islamic Republic of Iran); 466 (Case No. 3275: Madagascar); 489 (Case No. 3201: Mauritania); 509 (Case No. 3018: Pakistan); 527 (Case No. 3317: Panama); 543 (Case No. 3195: Peru) and adopted the 389th Report of its Committee on Freedom of Association as a whole.*

(GB.336/INS/4/1)

- 55.** *The Governing Body adopted the recommendations of the Committee on Freedom of Association contained in paragraph 29 of the Report, and approved the 390th Report of the Committee in its entirety.*

(GB.336/INS/4/2)

Fifth item on the agenda

Report of the Director-General

Obituary

([GB.336/INS/5](#))

Mr Robert (Bob) Hawke

56. *The Worker spokesperson* said that, as head of the Australian Council of Trade Unions (ACTU), Mr Hawke had pursued the international agenda with the same passion and commitment as he had the national agenda in representing the working women and men of Australia. His fight against racism in Australia and worldwide, not least against apartheid in South Africa, was testament to his devotion to justice and equality. As Prime Minister of Australia, he had carried forward the values that had driven him as a trade union leader and had been a driving force in modernizing the economy and shedding the shackles of Australia's colonial past. His legacy would endure and inspire generations to come.
57. *A Government representative of Australia* said that the Government of Australia appreciated the ILO's recognition of Mr Hawke's service to the Governing Body as a Worker representative. As a union leader in the 1970s, he had gained a reputation as an effective negotiator with a talent for resolving disputes. He had also brought a more internationalist perspective to the Australian trade union movement, notably his vocal opposition to apartheid; the ILO, of course, had pioneered opposition to apartheid in multilateral forums. As Australia's Prime Minister from 1983 to 1991, he had honed the acute consensus-building skills for which he had been well known in the ILO Governing Body. On behalf of the Australian Government, she offered her sincere condolences to Mr Hawke's family and friends.
58. *The Employer spokesperson* said that Mr Hawke had been a great leader of Australia, delivering long-lasting changes to the Australian economy and in workplaces. His vision to modernize the industrial relations system and to move from institutionalized conflict towards a culture of collaboration had contributed to decades of prosperity, to jobs for millions of Australians and to the place the country currently occupied in the region and in the world. On behalf of the Employers, he conveyed his condolences to his family and his organization.
59. He then delivered a statement on behalf of the representative of ACTU, who had been unable to attend the session, which began by saying that it was with immense sorrow and gratitude that the Australian union movement acknowledged the passing of Mr Hawke. He had been a hero for working people, leading ACTU as President from 1969 to 1980, and a tireless and fierce advocate for the low-paid and for the rights of working people to organize and to bargain, qualities that he had also brought to his time as a member of the Governing Body. As Prime Minister of Australia, he had founded universal superannuation, a pension system that would allow workers to retire in dignity, and Medicare, a system of universal publicly funded healthcare. Millions of working people owed their health, prosperity and dignity in retirement to Mr Hawke's work, and his enduring legacy was felt far beyond Australia's shores.
60. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan said that his group conveyed its sincere condolences to Mr Hawke's family, ACTU, the ITUC and the Government of Australia.
61. *The Director-General* said that it was striking to be marking the passing of one of the true giants of the ILO in its Centenary year. Mr Hawke, in his period as Worker representative

in the Governing Body and his representation as Workers' delegate at the Conference, had truly marked the history of the Organization. He was a true internationalist, and a great practitioner of social dialogue. He and Mr George Polites, a former Employer representative during the same period who had also passed away in 2019, had symbolized together, through their interaction, the strengths of social dialogue.

Decision

- 62. *The Governing Body paid tribute to the memory of Mr Robert (Bob) Hawke and invited the Director-General to convey its condolences to the family of Mr Hawke, to the Australian Council of Trade Unions (ACTU), to the International Trade Union Confederation (ITUC) and to the Government of Australia.***

(GB.336/INS/5, paragraph 4)

Sixth item on the agenda

Reports of the Officers of the Governing Body

First report: Representation alleging non-observance by Lesotho of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), made under article 24 of the ILO Constitution by the United Textile Employees (UNITE), the National Clothing Textile and Allied Workers Union (NACTWU) and Lentsoe La Sechaba (LSWU)

(GB.336/INS/6/1)

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

Decision

- 63. *In the light of the information contained in document GB.336/INS/6/1, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.***

(GB.336/INS/6/1, paragraph 5)

Second report: Representation alleging non-observance by Uruguay of the Dock Work Convention, 1973 (No. 137), made under article 24 of the ILO Constitution by the Single Union of Port and Allied Workers (GB.336/INS/6/2)

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

Decision

- 64. *In the light of the information contained in document GB.336/INS/6/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.***

(GB.336/INS/6/2, paragraph 5)

Third report: Representations alleging non-observance by France of the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the union CGT Ford, the union CGT YTO France, the CFDT Metalworking Union of the Meuse department and the general union CFDT–Transport and Environment of the Aube department (GB.336/INS/6/3)

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

Decision

- 65. *In the light of the information contained in document GB.336/INS/6/3, in particular the fact that the allegations presented in the new representations were the subject of an ongoing examination in the context of an earlier representation made by the CGT and the CGT–FO alleging non-observance by France of the Termination of Employment Convention, 1982 (No. 158), and taking into consideration the recommendation of its Officers, the Governing Body decided that the merits of the representations would not be examined, in so far as a report on the same facts and allegations was expected from the tripartite committee established by the Governing Body at its 329th Session (March 2017).***

(GB.336/INS/6/3, paragraph 6)

Seventh item on the agenda

Composition, agenda and programme of standing bodies and meetings

(GB.336/INS/7)

66. *The Chairperson* invited the Governing Body to decide whether the meeting would be convened as a technical meeting or a meeting of experts. Depending on the format chosen, they would also have to decide on its composition.
67. *The Employer spokesperson* recalled that the Governing Body had already discussed and taken decisions on the format of the meeting, beginning in 2016, and the intention had always been to have a meeting of experts. The Employers' group was against any change of format and, if indeed that prior decision was to be rescinded, they would want to know why and on what basis. It was important to be aware of the precedent that would be set by such a move.
68. The wording of the proposed meeting title deviated from prior decisions and was unnecessarily inflammatory. He proposed two alternative titles: a "meeting of experts on decent work in global supply chains"; or a "meeting of experts on ILO actions to promote decent work in global supply chains". He was also open to other options, as long as they were in accord with the decision that had already been made, so that they could have a constructive and healthy discussion during the meeting.
69. *The Worker spokesperson* said that the Workers' group had carefully studied all the steps that had been taken since the general discussion on decent work in global supply chains during the 105th Session of the Conference in 2016. Paragraph 25 of the conclusions of that discussion had been included in the document under consideration and clearly made reference to identifying "the salient challenges of governance" as one of the three objectives of the proposed meeting. At that stage, the plan had been to have one technical tripartite meeting or a meeting of experts. Later, the programme of action had led to more discussion and it had been decided to hold three different meetings: the first, a meeting of experts on export processing zones; the second, a meeting on cross-border social dialogue; and the third, a more general discussion on the way forward. At that stage, the debate was still ongoing about the Standing Orders for technical meetings and the Standing Orders for meetings of experts, during which the social partners had jointly expressed their concerns about proposals that seemed to make meetings of experts almost obsolete. A further decision had been taken in the context of the agreement on the Standing Orders that the meeting on cross-border social dialogue would be a meeting of experts. The format of the third meeting, however, had still remained an open question. It was her recollection that there had been an unwritten understanding that, as the Government members had a strong preference for a technical meeting, that format would be agreed in a spirit of compromise.
70. With regard to the title of the meeting, she did not want to go back over the 2016 debate, which had been something of a rough ride but had arrived at tripartite conclusions that had been unanimously adopted. The forthcoming meeting should not be a repeat of those discussions. One issue that remained very much open from the 2016 conclusions was to identify the salient challenges of governance to achieving decent work in global supply chains. The question had already been broken up into three issues and it was important to move forward rather than back. The meeting was already going to be held later than planned, in 2020 rather than in 2019. She did not agree with the proposal to change the title to a more general one, as proposed by the Employer spokesperson.

- 71.** With regard to the proposed invitations of intergovernmental organizations, she asked why the North American Free Trade Agreement (NAFTA) had been included, since it was only one of many global trade agreements.
- 72.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that, as the meeting would address topics that were of great importance to countries in Latin America and the Caribbean, it was critical to ensure the broad participation of governments in an open and inclusive meeting. Having as many contributions, comments and suggestions as possible would enable substantive conclusions to be made and in turn help to reduce decent work deficits in global supply chains. For those reasons, GRULAC would prefer the format of a technical meeting.
- 73.** *Speaking on behalf of IMEC*, a Government representative of Canada said that she shared the understanding outlined by the Worker spokesperson that the decision on the format of the meeting had been left open. The Governing Body was not being asked to go back on a prior decision. The subject was best suited to a technical meeting. The governments represented by IMEC had very different experiences to share and were all very interested in participating in the meeting. An inclusive approach would be the most productive. It was unfortunate that the meeting had not been able to be scheduled in 2019, but it should be held as soon as possible. She did not have strong views on the title, but would be interested to hear the views of other members.
- 74.** *Speaking on behalf of ASPAG*, a Government representative of China said that different countries in his region had different perspectives. In order for all members to be able to express their views, he supported the format of a technical meeting.
- 75.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that, mindful of the 2016 conclusions, as well as the series of meetings that had already taken place and continuing developments relating to the global supply chain, he supported the format of a technical meeting. That way, interested member States could participate and bring their perspectives to the discussion of such an important issue.
- 76.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland thanked the Office for holding informal consultations on the matter and said that it had been her understanding that many of the Governments had supported the format of a technical meeting. She was in favour of a technical meeting, since the issue was complex and critically important for many countries. Broader participation of governments would be beneficial for all.
- 77.** *Speaking on behalf of the European Union and its Member States*, a Government representative of Romania said that the topic was significant for all the Government members and an inclusive exchange of views would be very important. Therefore, a technical meeting would be the most appropriate.
- 78.** *A Government representative of the United States* said that, in light of the interest in and importance of the subject, he would strongly prefer an inclusive tripartite technical meeting. He was flexible on the specific wording of the title of the meeting, but hopefully a title could be found that was agreeable to all parties.
- 79.** He had also noticed the inclusion of NAFTA on the list of invitees. NAFTA was an agreement, not an intergovernmental organization. He would be happy to have all three parties to the agreement invited, but if the format was a technical meeting, they could already attend.

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80. A *Government representative of Canada* said that he supported the statement made by the representative of the United States with regard to the question of NAFTA. It was a trade agreement, not an organization. However, given the economic scope of the meeting, it would make sense for the governments that were party to the agreement to participate.
81. He urged the Office to give more exhaustive consideration to the list of intergovernmental organizations that should be invited. Specifically, he suggested inviting the Organisation for Economic Co-operation and Development (OECD), the UN Working Group on Business and Human Rights, as well as a number of private sector organizations that had been more heavily involved in the discussion on global supply chains since 2016, such as The B Team and The Consumer Goods Forum.
82. A *Government representative of Mexico* said that she supported the statements made by the representatives of the United States and Canada with regard to NAFTA. She would like the three countries that were party to that agreement, and the United States–Mexico–Canada Agreement (USMCA) that would hopefully soon replace it, to be able to participate in the meeting. She also supported Canada’s suggestion to include other organizations that were actively working in that area, such as the OECD, the Working Group on Business and Human Rights, and any other organization that could bring its experience and point of view to what would surely be one of the most important discussions of 2019.
83. *The Worker spokesperson* said that it seemed clear that the Governments would prefer the format of a technical meeting, which she was prepared to accept. Returning to the question of the list of invitees, she urged caution. The parties to NAFTA could participate in a technical meeting as member States of the ILO. Going beyond that to invite intergovernmental organizations as well needed careful consideration. The list included the West African Economic and Monetary Union but not the Economic Commission for Latin America and the Caribbean, for example. She requested clarification from the Office and for there to be further consultations on the list before the invitations were sent out.
84. *The Employer spokesperson* said that he had no problem with including NAFTA. However, he objected to Canada’s suggestion of including The B Team and The Consumer Goods Forum because the International Organisation of Employers already represented more than 50 million companies. He did not want to extend the list of invitees beyond what had already been established. The Government members had said that they were open-minded with regard to the title of the meeting, so, on that basis, he suggested that they end the discussion, on the clear understanding that there would be further consultations in order to help ensure that the meeting did not become a “rough ride”.
85. He was not surprised by the views of the Governments with regard to the format of the meeting. It seemed as though meetings of experts were becoming a less attractive option and might become obsolete. He wanted to be clear, however, that the decision to hold a technical meeting was a change. The Governing Body had decided in November 2016 to leave the format of the meeting to be determined. Then in March 2017, the Governing Body had “requested the Director-General to take account of its guidance, including the joint guidance points from the Employers’ and Workers’ groups, in implementing the roadmap for the programme of action on decent work in global supply chains during the period of 2017–21”. That joint guidance had included in point 1(c) a reference to “three meetings of experts”. The meeting in question was one of those three. Document GB.328/INS/5/1(Add.) also showed in paragraph 1(c) that the Governing Body had proposed holding, in 2019, a tripartite Meeting of Experts following a midterm report by the Office, pursuant to paragraph 25 of the 2016 International Labour Conference resolution concerning decent work in global supply chains for which the arrangements would be decided at a later date. If thinking had changed since then, that should be made clear, rather than suggesting that it was a question of interpretation.

- 86.** Having listened to the preferences expressed by the governments, he was prepared to agree to the format of a technical meeting.
- 87.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the two outstanding questions regarding the title of the meeting and the finalization of the list of invitees could not be left until November, as the invitations would have to be sent out. He suggested that the Governing Body refer the final decisions on those questions to the Officers of the Governing Body.
- 88.** *The Worker spokesperson* said that, following the discussions in 2016 and 2017 cited by the Employer spokesperson, in March 2018, during the discussions of the format of the meeting on cross-border social dialogue, while the social partners had insisted that it would be a meeting of experts, the Government members had already been saying that it was important for them all to be there. The decision to hold a meeting of experts in that instance had only been reached once the Standing Orders for expert meetings and the Standing Orders for technical meetings had been agreed. The Workers' group continued to believe that there should still be meetings of experts on some issues. Even if the final decision was to be taken by the Officers, it was good to have an indication of where they were going, because there should not be another general discussion in the guise of a technical meeting. They had already held a general discussion on the topic in 2016. She was, however, prepared to cooperate in order to find a solution, but she insisted that the list of invitees must make sense. They could not invite some organizations and not others without a clear explanation, and NAFTA was not an intergovernmental organization, so that had to be resolved.
- 89.** The three issues outlined in paragraph 25 of the Conference resolution, as reflected in the document, would be a perfect agenda for a final technical meeting to identify the way forward, following on from the two meetings of experts that had considered specific issues. As long as all the issues were included, she would be flexible with regard to the title of the meeting.
- 90.** *Speaking on behalf of IMEC*, a Government representative of Canada thanked the social partners for their flexibility and said that her group looked forward to engaging in what would be a very important meeting. She requested that regional coordinators also be involved in the final decisions on the title and the list of invitees.
- 91.** *A Government representative of Brazil* said that he fully supported the compromise being reached on the composition of the meeting and appreciated the flexibility of the social partners, since it was very important to the Governments that it be a technical meeting.
- 92.** On a question of governance, the joint guidance points agreed by the social partners in March 2017 were not a tripartite decision of the Governing Body, but a reference document. It was important to ensure that decisions were always tripartite.
- 93.** He was flexible with regard to the title of the meeting and would be prepared to accept the title proposed by the Employer spokesperson, as a short title could cover a range of important issues around the subject. He also requested that the regional coordinators and the Government group be able to participate in the final decision-making with the Officers.
- 94.** *The Employer spokesperson* welcomed the flexibility that had been offered, but said that it had to lead to action. He agreed with the suggestion to leave the final decision to the Officers and the regional coordinators. Resolving things that way would hopefully ensure that the meeting itself could start off on the right foot. He did not agree with the assessment of the discussions that had taken place in 2018 as it had been presented.

95. In order to ensure that they were being consistent, coherent, relevant and impactful, the package of three issues identified in the Conference resolution should be kept together, rather than focusing solely on identifying the salient challenges of governance.
96. *The Worker spokesperson* said that her agreement was dependent on there being further discussions of the list of invitees.

Decision

97. *The Governing Body:*

- (a) *approved the holding of a technical meeting to promote decent work in global supply chains, as well as the agenda, dates, venue, and composition of the meeting on the conditions proposed during the discussion;*
- (b) *endorsed the proposals made in the appendix to document GB.336/INS/7 relating to the invitation of international non-governmental organizations as observers to the 108th Session of the International Labour Conference, the 14th African Regional Meeting and the Global Dialogue Forum on Decent Work in the World of Sport; and*
- (c) *took note of the programme of meetings, as approved by the Officers of the Governing Body.*

(GB.336/INS/7, paragraphs 8, 9, 11 and 12)