



Governing Body

335th Session, Geneva, 14–28 March 2019

GB.335/PV

Minutes of the 335th Session of the Governing Body of the International Labour Office

**Minutes of the 335th Session
of the Governing Body of the
International Labour Office**

The 335th Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday 14 to Thursday 28 March 2019, under the chairmanship of Ms Silvia Elena Alfaro Espinosa (Government, Peru).

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Institutional Section

1. The Institutional Section met on Monday, 18 March; from Wednesday, 20 March to Friday, 22 March; and from Monday, 25 March to Thursday, 28 March 2019. The Chairperson of the Governing Body, H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru), 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 items 2.2 and 12, “Agenda of the International Labour Conference: Arrangements for the 108th (Centenary) Session of the Conference” and “Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013)”, where Mr S. Barklamb was spokesperson; items 2.3 and 3, “Agenda of the International Labour Conference: Outcome document of the 108th (Centenary) Session of the Conference” and “Revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018”, where Ms R. Hornung-Draus was spokesperson; item 4, “Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work”, where Mr J. Beckett was spokesperson; item 6, “Progress report on the implementation of the Enterprises Initiative”, where Mr T. Mackall was spokesperson; item 8, “Report of the 19th American Regional Meeting (Panama City, 2–5 October 2018)”, where Mr V. Gill was spokesperson; item 9, “ILO-wide strategy for institutional capacity development”, where Mr O. Oshinowo was spokesperson; item 11, “Decent work for sustainable development” where Ms A. Vauchez was spokesperson; item 13, “Reports of the Committee on Freedom of Association” where Mr A. Echavarria was spokesperson; item 14.1, “Report of the Director-General: First Supplementary Report: Reports of the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018)” where Mr H. Munthe was spokesperson; item 14.2, “Report of the Director-General: Second Supplementary Report: Report of the Meeting of Experts on Defining Recruitment Fees and Related Costs (Geneva, 14–16 November 2018)” where Ms H. Liu was spokesperson; and item 14.3, “Report of the Director-General: Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO” where Mr F. Ahmed was spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of items 3 and 14.1, where Mr P. Dimitrov was spokesperson; item 4, where Mr K. Ross was spokesperson; items 8 and 9 where Ms T. Moore was spokesperson; item 11, where Mr A. Wabba was spokesperson; item 13 where Ms A. Brown was spokesperson; and items 14.2 and 14.3 where Ms A. El Amri was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 335th Session:

Policy Development Section

Employment and Social Protection Segment

(Monday, 25 March and Wednesday, 27 March 2019)

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

Employer spokespersons:

Item 1: “Revisiting the plan of action on labour migration governance in consideration of the Global Compact for Safe, Orderly, and Regular Migration”; Mr P. Dragun

Item 2: “Strategic plan for engagement with United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)”; Mr G. Ricci

Worker spokespersons:

Item 1: Ms C. Passchier

Item 2: Ms M. Clarke Walker

Social Dialogue Segment

(Wednesday, 20 March 2019)

Chairperson: Mr K. Cissé (Senegal)

Employer spokesperson: Mr T. Schoenmaeckers

Worker spokesperson: Mr B. Thibault

Development Cooperation Segment

(Wednesday, 20 March 2019)

Chairperson: Mr K. Cissé (Senegal)

Employer spokesperson: Ms J. Mugo

Worker spokesperson: Mr M. Guiro

Legal Issues and International Labour Standards Section

Legal Issues Segment

(Tuesday, 26 March 2019)

Chairperson: H.E. Ms V. Berset Bircher (Switzerland)

Employer spokespersons:

Item 1, “Follow-up to the discussion on the protection of Employers’ and Workers’ delegates to the International Labour Conference and Regional Meetings 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, “Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference”, Mr S. Barklamb

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment

Chairperson: H.E. Ms V. Berset Bircher (Switzerland)

Employer spokespersons:

Item 3, “Proposed form for reports to be requested under article 19 of the ILO Constitution in 2020”, Mr F. Yllanes

Item 4, “Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006)”, Mr C. Kyriazis

Worker spokesperson: Ms A. Brown

Programme, Financial and Administrative Section***Programme, Financial and Administrative Segment****(Monday, 18 March; Tuesday, 19 March; and Monday, 25 March 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 1, “Presentation of the Programme and Budget proposals for 2020–21 by the Director-General”, Mr M. Mdwaba

Item 2, “Delegation of authority under article 18 of the Standing Orders of the International Labour Conference”; and item 5, “Other financial questions”, Mr J.M. Lacasa Aso

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment*(Monday, 18 March 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 6, “Report of the Independent Oversight Advisory Committee”, Mr K. Ghariani

Item 7, “Report of the Chief Internal Auditor for the year ended 31 December 2018”, Mr J.M. Lacasa Aso

Item 8, “Other audit and oversight questions”, Mr B. Matthey

Worker spokesperson: Ms C. Menne

Personnel Segment*(Tuesday, 19 March, 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 10, “Amendments to the Staff Regulations”; and item 12, “Matters relating to the Administrative Tribunal of the ILO: Proposed amendments to the Statute of the Tribunal”; and “Composition of the Tribunal”, Mr B. Matthey

Item 11, “Composition and structure of the ILO staff”, and item 13, “Update on developments related to the International Civil Service Commission (ICSC) review of its consultative process and working arrangements as well as of the reform of the post adjustment methodology”, Mr M. Mdwaba

Worker spokesperson: Ms C. Menne

Committee on Freedom of Association
(Thursday, 14 March to Saturday, 16 March 2019)

Chairperson: Mr E.R. Kalula (Zambia)

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier¹

**Replacement of the Chairperson of the
Governing Body (for the period
covering March–June 2019)**
([GB.335/INS/1/1](#))

3. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan nominated Ms Silvia Elena Alfaro Espinosa, Ambassador, Permanent Representative of Peru to the United Nations Office and other international organizations in Geneva, to replace her predecessor, Mr Claudio Julio de la Puente Ribeyro, as Chairperson of the Governing Body for the remainder of the current term of office. The Government group thanked Mr de la Puente Ribeyro for his excellent work during the last Governing Body and wished him the best in his new duties. Furthermore, the group expressed full support for Ms Alfaro Espinosa's nomination and was confident that under her leadership, the Governing Body would successfully continue its work.
4. *The Employer and the Worker Vice-Chairpersons* supported the nomination of Ms Alfaro Espinosa.

Decision

5. ***The Governing Body elected Her Excellency, Ambassador Silvia Elena Alfaro Espinosa of Peru as Chairperson of the Governing Body for the remainder of the current term of office of its Officers, which runs until 22 June 2019.***

(GB.335/INS/1/1, paragraph 2, as amended by the Governing Body)

6. *The incoming Chairperson* expressed gratitude to the Employers' and Workers' groups, and in particular, the Government group, for the confidence placed in her. She conveyed a message of thanks on behalf of her predecessor, Ambassador de la Puente Ribeyro, who was unable to complete his term as Chairperson and formally say goodbye to the Governing Body. Despite the difficulties involved in assuming the role of Chairperson during the term, she said that she was fully prepared to lead the Governing Body at its first meeting of the ILO Centenary year.

Opening remarks by the Director-General

7. *The Director-General* congratulated Ambassador Alfaro Espinosa on her election as Chairperson of the Governing Body and assured her of the Office's full support in carrying out her new duties. He also expressed warm appreciation to Mr de la Puente for his excellent leadership and service to the Governing Body.

¹ Substituting Ms C. Passchier.

8. The 335th Session of the Governing Body met at an important moment for the ILO – the Centenary year. A good start had been made, with the launch of the Global Commission on the Future of Work on 22 January, which had been widely and positively received among tripartite constituents, the greater public and the international system. The Director-General expressed his gratitude to the co-Chairs of that Commission, President Ramaphosa of South Africa and Prime Minister Löfven of Sweden for having provided such an impactful and high-quality report. It was a valuable asset for the Organization in dealing with the challenges and opportunities of the future of work, which were the focus of ILO efforts in its Centenary year.
9. Recent events held in the context of the ILO Centenary confirmed that the mandate and the priorities of the Organization were of extraordinary importance and relevance to people everywhere. When reflecting on the history of the Organization, which was an aggregation of individual efforts, it became clear that the shared interest was to build a better and brighter future of work. The ILO Centenary year therefore provided an opportunity for the Organization to reaffirm its mandate and to gain energy, support, engagement and momentum.
10. During the 335th Session of the Governing Body, certain agenda items would have far-reaching implications for the ILO, both in taking future action and in meeting people’s expectations. Those items included the Programme and Budget for 2020–21, the Centenary Declaration and United Nations (UN) reform.
11. With regard to the discussion on the Centenary Session of the Conference, the Governing Body would be called upon to provide further guidance on the outcome document to be adopted. The text should be in the form of a Declaration and able to stand in comparison with the historic constitutional texts of the ILO, such as the Declaration of Philadelphia. Furthermore, the agenda item on UN reform was of major importance, given that the success of the ILO was highly dependent on the success of the multilateral system as a whole.
12. The Director-General reiterated that the future of work and of the ILO was not predetermined; it was up to the will and capacity of the Organization to work towards the future that it wanted. During its Centenary year, the efforts of the ILO should reflect its responsibility both to future generations, who will judge the Organization on the standards set today, and to its forbearers, whose immense contributions to the Organization still held great relevance.

First item on the agenda

Approval of the minutes of the 334th Session of the Governing Body ([GB.335/INS/1](#))

Decision

13. *The Governing Body approved the minutes of its 334th Session, as amended.*

(GB.335/INS/1, paragraph 2)

Second item on the agenda

Agenda of the International Labour Conference

Agenda of future sessions (2020 and beyond)

of the Conference

([GB.335/INS/2/1](#))

14. *The Employer spokesperson* said that he welcomed the efforts taken to ensure strategic coherence, tripartite engagement and flexibility when fixing the agenda of future sessions of the Conference and was in favour of continuing that approach beyond 2019. He supported the proposal to defer the decision on the remaining agenda items for 2020 and 2021 until the 337th Session of the Governing Body. Noting that the framework for the general discussion on “inequality and the world of work” was too narrowly focused and that consideration should go beyond the context of the labour market to include the root causes of inequality, he proposed changing the title and scope of the item to “inequalities and opportunities for the new world of work”.
15. The Employers’ group could not support the inclusion of a standard-setting item on “a just transition of the world of work towards environmentally sustainable economies and societies for all” in 2020. The 2015 *Guidelines for a just transition towards environmentally sustainable economies and societies for all* provided a comprehensive policy framework on the topic and there was no need to discuss it again. The Organization should continue to assist constituents in the implementation of the *Guidelines* based on the lessons learned in pilot countries.
16. While he appreciated the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) in identifying regulatory gaps and making recommendations, in particular with regard to occupational safety and health, he maintained that standard setting was not the solution to every problem and the Organization must be able to respond to new issues in innovative ways. More measures should be taken to mitigate the real risk of a standard-setting traffic jam that could result from too many recommendations by the SRM TWG to the Governing Body in this regard.
17. With regard to the four subjects described in Appendix II, he reaffirmed his support for further exploration of the proposal to include an item on the fight against corruption. Referring to the item on non-standard forms of employment, he said that the wording was no longer acceptable, as it did not capture the reality of diverse and flexible forms of employment. A compromise agreement had previously been reached to use “new and emerging forms of employment” instead. There had also been a discussion of the matter in the Global Commission where it had been agreed that the terms “standard” and “non-standard” should no longer be used in relation to forms of employment. The Employers’ group supported the draft decision.
18. *The Worker spokesperson* said that it was important to maintain the established practice and have at least three technical items on the Conference agenda, in addition to the Committee on the Application of Standards (CAS) and other standing items. Deferring the decision on the third technical item for the 2020 session to the 337th Session of the Governing Body would leave the Office very little time to prepare – in particular insufficient time for either the follow-up to the Centenary Session of the Conference or another item – and it was unclear whether the Conference outcome would provide clear guidance. None of the four subjects listed in Appendix I were ripe for a Conference discussion in 2020, which was regrettable, as most of them had been proposed by the Workers’ group since 2012. The

Workers' group would not accept a 2020 agenda with only two technical items, which would be an embarrassing start to the Organization's second century, nor would the group accept one or two preparatory conferences being held instead of conference committees during the renovation work on the Palais des Nations.

19. She looked forward to the adoption in June 2019 of the proposed Convention concerning the elimination of violence and harassment in the world of work, but regretted that it had been eight years since there had been a Convention on the Conference agenda. Furthermore, since the establishment of recurrent discussions in 2009, only three discussions had led to standard setting. She recalled that, although many items had been submitted to the Conference agenda for abrogation and withdrawal, only one standard-setting item – on apprenticeships – had so far been placed on the agenda for 2021 and 2022. The Office should make better use of the discussion of General Surveys and recurrent discussions to identify topics for standard setting and there should be a much firmer commitment from all constituents to ensure that the ILO continued to regulate the world of work into its second century, including by putting the SRM TWG's recommendations into effect. The Workers' group could not continue to engage with the SRM process if standards were not placed on the agenda once regulatory gaps and needs had been identified.
20. In order to respond to changing patterns of work, the Organization should be prepared to provide a robust response, which could include regulation. There seemed to be widespread support for the recognition of protection against occupational safety and health risks as a fundamental right and for the ILO to play a key role as an effective regulator.
21. Recalling that the 2013 general discussion on “a just transition of the world of work towards environmentally sustainable economies and societies for all” had led to the adoption of the 2015 *Guidelines*, she said that the Workers' group did not support another general discussion, but would support a Convention and Recommendation on the topic. A new instrument would provide guidance and also be a timely contribution from the ILO to the 2030 Agenda for Sustainable Development's (2030 Agenda) call to address climate change urgently, ensuring that labour and social issues remained at its core. It would also be a timely response to the Solidarity and Just Transition Silesia Declaration, adopted in December 2018 at the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change. Sufficient preparatory work had already been done on the issue, so she proposed that a decision be taken straight away, so it could be discussed in 2021. There was no reason not to have two standard-setting items on the agenda.
22. In the light of the report of the Global Commission, it was clear that there were pertinent questions to discuss about the impact of developments in digitalization and artificial intelligence on the world of work. She therefore proposed taking a decision straight away to put an item on the agenda of the 2020 session, for general discussion. That would not in any way prejudice discussions during the Centenary Session, but would allow the Office sufficient time to prepare.
23. The research done by the Office on the resolution of labour disputes was relevant to the work of the SRM TWG and should feed into the review of the relevant instruments. Further reflection on the matter was clearly needed, as the current standards did not comprehensively address the matter in sufficient detail. A meeting of experts might help further understanding of the necessary steps to take.
24. With regard to the proposed meeting of experts on non-standard forms of employment, she said that the terminology being used already accommodated the concerns of the Employers' group. There needed to be some way to address the matter. It was increasingly embarrassing for the ILO to be bogged down in terminology discussions while precarious employment continued to spread. It was also a serious concern that there had been a lack of follow-up to

decisions taken by the Conference in 2015. Resources should be allocated as a matter of urgency to allow the meeting to be held.

25. She welcomed the forthcoming Global Dialogue Forum on Decent Work in the World of Sport and looked forward to hearing about its outcome in terms of possible Conference follow-up.
26. Regarding the proposal for standard setting on the issue of independence and protection in public service, she said that UNI Global Union had indicated that similar challenges were occurring in the private services sector. Thus far, none of the attention on corruption in public services had focused on the protection of the safety, security and freedom from retaliation of civil servants, so the ILO certainly had a role to play. She understood that the Sectoral Policies Department had undertaken research on the topic and requested further information from the Office on that. The Workers' group would support the holding of a meeting of experts, as suggested in 2016, and requested that the proposal be discussed again in November.
27. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire noted that the mechanism used to set the Conference agenda adhered to the strategic and coherent approach approved by the Governing Body, and that such an approach should be retained. He welcomed the future inclusion of items on inequality and the world of work, employment policy and social protection, and the proposed item of "a just transition of the world of work towards environmentally sustainable economies and societies for all". Discussion of the problems facing developing countries was vital so that the ILO could adopt the instruments required to support the institutions responsible for addressing them. He strongly encouraged the further development of items on the resolution of individual labour disputes, non-standard forms of employment and independence and protection in public service, and was in favour of a standard-setting item on occupational safety and health. He called for the inclusion on the agenda of the 109th Session (2020) of a technical item on follow-up to the Centenary Session. He agreed with the procedural road map and supported the draft decision.
28. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that independence and protection in public service was vital to the functioning of national institutions and the implementation of their policies. The Organization should therefore discuss the protection required by public officials responsible for preventing corruption, and future sectoral meetings should also include tripartite discussion of the issue.
29. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece said that her group strongly supported the strategic and coherent approach to agenda setting, which should be retained and enhanced. The remaining slot on the 2020 Conference agenda should be reserved for follow-up to the Centenary Session. A decision on the item of "a just transition of the world of work towards environmentally sustainable economies and societies for all" should be taken after the Centenary Session, taking into account the time constraints for standard-setting discussions and previous Governing Body decisions on Conference agendas.
30. Follow-up to the recommendations by the SRM TWG was an integral part of the coherent and strategic approach, and her group looked forward to the results of the SRM TWG's discussions, after which the four proposed standard-setting items on occupational safety and health would be examined. After reiterating IMEC's interest in the item on non-standard forms of employment and noting that the group looked forward to the results of the review by the SRM TWG, in the future, of existing standards related to the resolution of individual labour disputes, she said that IMEC supported the draft decision and the road map referenced therein.

31. *A Government representative of India* said that a decision on the last slot on the agenda of the 109th Session (2020) of the Conference should be taken after its 2019 session. Discussion of another standard-setting item should not take place until after the double discussion of apprenticeships in 2021 and 2022, as deliberations on two standing-setting items might fail to do justice to either. Decent work in the world of sport and non-standard forms of employment should be considered for inclusion on the agenda of sessions beyond 2020.
32. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) confirmed that the Sectoral Policies Department was undertaking extensive research in a range of countries on law and practice regarding independence and protection in public service. Once the Department had concluded its research, it would organize tripartite consultations on the findings.

Decision

33. ***The Governing Body adopted the road map outlined in paragraph 31 of document GB.335/INS/2/1 and requested the Director-General to take into account the guidance provided in preparing the paper for the 337th Session (October–November 2019) of the Governing Body.***

(GB.335/INS/2/1, paragraph 32)

Agenda of the International Labour Conference

Arrangements for the 108th (Centenary) Session of the Conference ([GB.335/INS/2/2](#))

34. *A representative of the Director-General* (Deputy Director-General for Management and Reform) noted that, following consultations with the ILO constituents in February 2019, it had been decided to implement a limit on speaking times, including for the high-level section of the plenary. He encouraged Governments to confirm to the Office in the near future whether their Head of State or Government would be attending, as that would affect the number of days devoted to the high-level section; 20 had already confirmed, with potentially a further 20 pending confirmation. The Office was seeking guidance from the Governing Body on which of the seven proposed themes were of greatest interest for the thematic forums; it was proposed that they should have a range of different formats and attract high-profile speakers. A reporter could provide a summary to the plenary on the last day and, if so decided, the Office could report to the Governing Body on follow-up. He invited preliminary comments, which the Office would take into account in finalizing planning for the Conference.
35. *The Employer spokesperson* said that the Employers were not opposed to the proposed suspensions of the Standing Orders. As to practical matters, the group's comments at the previous session still stood; furthermore, the innovation in the CAS with screens displaying the name, organization type and country of the current and following speaker was particularly welcome. With respect to the plenary, it was important to know which Heads of State would be attending, in order to ensure high-level engagement from the social partners from the respective countries; that information could be kept to a restricted group if necessary for security reasons. He supported the proposal to restrict the badges issued for the high-level section, and requested that the Employers' badges should only be given to the titular delegate of each Employers' delegation for distribution. Turning to the technical

committees, he emphasized that night work must be the exception, they must have a reasonable time limit, and food, interpretation and transport must be provided. The area around the headquarters building was not well lit at night, and it was important to provide transportation for participants to reduce safety risks.

36. On the subject of the Standard-Setting Committee, there had not been time in the tripartite consultations to address the programming and logistics, therefore the Office should work with the International Organisation of Employers (IOE), the International Trade Union Confederation (ITUC) and regional coordinators to decide on the logistics as a matter of urgency.
37. He asked why it had been proposed to start the work of the Committee of the Whole only on the third day of the Conference. Given the scale of the task before it, starting work from the first day would reduce the likelihood of extended sittings later in the session. It was not clear how the Committee of the Whole would organize its work on the declaration to reach an agreed outcome, and he urged the Office to engage with the group secretariats and regional coordinators as a matter of urgency to gather input.
38. With respect to the thematic forums, the Employers stood ready to help make arrangements, which should be completed as soon as possible. They favoured a constituent-led approach that made use of existing experience among the social partners and governments. Instead of the seven broad themes, the Employers would prefer a more homogenous, though not necessarily traditional, approach. He therefore proposed a common format of five three-hour panels with a focused, high-level discussion, more in the style of the World Economic Forum panels than a TED talk. A diversity of approaches across seven themes could be impractical and lack focus, and there was a risk of inadequate attendance at each event if the ILO attempted to do too much. The panellists should include constituents, futurists, analysts, and experts from international organizations, business and academia; the IOE, ITUC and regional coordinators should help to identify them. There was no need for a reporter or a summary; rather, the Office should make video recordings of the panels available online or post a verbatim transcript on the Conference website.
39. He suggested reducing the topics for the thematic panels to five, presented in the form of questions: (1) “Where will the jobs of the future come from?”; (2) “What skills will we need for the work of the future?”; (3) “How will technology change how we work?”; (4) “How do we get more people into formal work?”; and (5) “How can we ensure social dialogue and tripartism remain relevant to the work of the future?” Cross-cutting issues, such as age or gender, could be raised in each discussion. With respect to freedom of association, a high-level event had already been agreed for later in 2019, which would provide a better, more focused forum. Thus, the topic did not warrant a separate themed discussion, but could nonetheless be raised at any thematic panel.
40. *The Worker spokesperson* said with respect to the online tool for submission of amendments in committees that her group would continue to submit amendments in a coordinated way through the secretariat. She agreed that the vote on the instruments on violence and harassment in the world of work should be held on Friday, 21 June, in order to allow the Committee time for the necessary negotiations. It would therefore be essential that titular delegates or their substitutes were present on that final day, and Governments should be aware of the need to fund the participation of Workers’ and Employers’ delegates through to the last day. She supported the proposals made regarding Conference committees.
41. As to the thematic forums, the group had full confidence in the Office’s ability to organize them and saw no need for new consultations on the process. It would, however, be useful to have reports, as although the panels would not issue any formal conclusions, significant efforts were being made to hold them and they would discuss issues relevant to the work of

the ILO. Different and accessible means of reporting should be considered. Regarding the Employers' group's proposals for the thematic events, more information on the specific aims would be useful.

42. She emphasized her concern that the holding of a high-level event on freedom of association in June 2019 was again being challenged. After much debate, it had been agreed that the event would be held during the Centenary Session of the Conference, and that should no longer be challenged.
43. *Speaking on behalf of the Africa group*, a Government representative of Namibia commended the development of the comprehensive Conference website and the online tool for submission of amendments. He noted that catering for evening sittings was not foreseen and asked when notice would be required for such extended sittings. Given that the Africa group had already arranged side meetings, he requested clarification, as the document stated that no side events should be organized but also that logistical support from the Office would be available for them. He expressed concern at the number of themes proposed for the thematic forums and suggested that, to save time, some themes could be merged, such as the Future of Youth Day and the theme of employing technology for a future with decent work. While he appreciated that the thematic forums would be scheduled such that they did not overlap with the high-level section of the plenary, the fact that they would be held in parallel with the technical committee meetings would hinder the participation of committee members.
44. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Japan expressed support for the structure of the plenary. He asked the Office to clarify the reasoning behind the proposal to issue only eight transferrable badges for the opening sitting and high-level sections of the plenary, and to confirm that access to other sittings would not be affected. He welcomed the proposal to include thematic panels, particularly those on the Future of Youth Day, skills and lifelong learning, employing technology for a future with decent work, and social dialogue and tripartism for the future of work; furthermore, demographic change and the ageing society would be an interesting theme to address. He supported the proposal that the Office should prepare only a summary of discussions in the thematic forums for the record.
45. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented supported the proposal to begin discussions on the outcome document on the first day of the Conference. It also supported holding a commemorative sitting of the CAS, and suggested examining five cases of progress to demonstrate the positive impact of the normative system on the promotion of decent work. Debates, forums and other events should be reasonably wide in scope and provide valuable contributions but not lead to any decisions or outcomes. As the list of themes to be discussed at the thematic forums and other events was too long, it would be sensible to limit the discussion of topics that the Office had dealt with extensively over time and to discuss other themes that had not received much focus in past events. Only one morning or afternoon meeting should be scheduled for each theme to avoid overloading the Conference agenda and ensure that there would be sufficient time for the key committees to hold their meetings. His group considered the Future of Youth Day to be a priority theme but lamented the omission of its suggestion to include cooperatives and the social and solidarity economy as themes.
46. *Speaking on behalf of IMEC*, a Government representative of Greece welcomed the proposal to use enhanced IT tools at the Conference and looked forward to the launch of the new Conference website and online amendment submission tool. She agreed with the proposals on the structure of the plenary, votes and time limits and the recording of plenary proceedings. The provision to allow committees to work until midday on Thursday, 20 June,

if required, was also welcome. However, the reports should be published no later than 6 p.m. that evening to allow sufficient time for government consultations. She reiterated her group's disappointment that the initial consultations on violence and harassment had not been inclusive and trusted that the April consultations for the Committee of the Whole would be genuinely inclusive. She commended the Office's proposal to prepare a first draft of the Centenary Declaration in April to allow the constituents time to hold consultations.

47. She requested further clarification on the process to appoint a reporter to observe the thematic debates and agreed that they should not result in formal outcomes or conclusions. She recognized the efforts to introduce innovative discussion formats, but expressed concern that the proposed keynote address and "lightning round" presentations could result in traditional, non-dynamic panel debates. Thematic debates should be time-limited to sustain the interest and engagement of delegates, while taking into account resource constraints, and be complemented by interactive activities such as a digital labour fair. Her group favoured a four-day programme of thematic forums organized across a number of short sessions. The thematic discussions should focus on the labour dimension and there should be no theme overlaps. She requested the Office to provide information on the selection of themes promptly to allow the constituents to prepare for the Conference. Her group supported the draft decision.
48. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that Montenegro, Serbia and Albania, as well as Georgia, aligned themselves with the statement. He supported the statement made on behalf of IMEC. The provision to allow the Committee of the Whole to appoint a drafting group if required was welcome, as was the proposal under consideration for the CAS to hold a Centenary-related celebratory event.
49. The thematic forums should be an important and innovative part of the Centenary Session. His group favoured the selection of the four themes: Future of Youth Day; employing technology for a future with decent work; formalizing work for social inclusion; and freedom of association and collective bargaining: unlocking their promise for the next 100 years. However, the remaining issues should be incorporated into the selected themes or maintained as stand-alone themes. He also requested the Office to provide information on the selection of themes promptly to allow the constituents to prepare for the Conference. His group supported the draft decision.
50. *Speaking on behalf of France and Germany*, a Government representative of France said that France and Germany aligned themselves with the statements made by IMEC and the EU and its Member States. International cooperation and globalization had helped to lift hundreds of millions of people out of poverty since the ILO's creation. However, societal inequalities in the modern world threatened sustainability and weakened trust in democratic institutions, calling into question the very foundations of the multilateral system. Coherent, coordinated action was needed to face current challenges. The ILO should make the most of the opportunity afforded by its Centenary year to promote greater policy coherence in favour of social justice and to further integrate international labour standards into the work of the multilateral system.
51. In view of the ILO's unique tripartite structure and mandate, its role in global governance should be reinforced and its cooperation with relevant international organizations should be strengthened. She therefore welcomed the proposal to establish a high-level task force composed of relevant international organizations in the framework of the Centenary Declaration. She strongly supported the proposal to hold a thematic discussion on multilateralism and the reduction of inequalities at the Centenary Session together with the heads of the Organisation for Economic Co-operation and Development (OECD), the International Monetary Fund (IMF), the World Trade Organization (WTO) and the World

Bank. A well-prepared discussion taking into consideration the different views of the ILO tripartite constituents would be an important prerequisite to the definition of the economic and social dimensions of social justice policies and provide fertile ground for the promotion of the ILO's mandate on social justice.

52. *A Government representative of the Russian Federation* supported the proposed format and programme for the Conference and requested timely information on the high-level section of the plenary. The proposed thematic forums would enrich discussions during the Conference and provide an opportunity for lively debate on contemporary social and labour issues. Youth employment, skills development and social dialogue for the future of work were areas of particular interest. His Government stood ready to propose panellists for the forums, once the themes had been confirmed. In view of the ILO Centenary, the Conference should focus on discussing strategic issues such as future areas of work and the role of the ILO in the long term. Although the routine and technical work of the Conference, particularly the Standard-Setting Committee discussion on violence and harassment against women and men in the world of work, was important, it should not detract from the main task of the Conference. The Centenary should be reflected in the work of specific committees and he therefore supported the suggestion that sharing experiences of implementing ILO Conventions should take place in the Standard-Setting Committee. He supported the draft decision.
53. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that national delegations would be restricted to eight transferable badges owing to space constraints in the plenary room. Those restrictions would only apply to the high-level section and all delegates would be welcome to watch the presentations by Heads of State and Governments via the video broadcast in overflow rooms. The Office was working with the secretariats of the social partners to determine the best way to distribute badges to their members.
54. The Committee of the Whole had been scheduled to begin on the Wednesday, 12 June, as some constituents had expressed a preference to attend at least the first few days of the high-level section in addition to the committee. However, if preferred by the Governing Body, the Office could consider opening the committee on Monday, 10 June or Tuesday, 11 June instead. The Office would only have the capacity to organize one side event itself, although constituents would be free to hold their own as desired, however the Office would not be in a position to provide any logistic or other support to these. The Office would engage all groups in individual and tripartite consultations on the outcome document in late April.
55. *A representative of the Director-General* (Director, NORMES) said that the informal tripartite working group on working methods of the CAS had met on 23 March 2019 and discussed several elements relating to the Committee's working methods. A full report would be available prior to the working group's next meeting, during the Governing Body session in November 2019. In response to the request to increase the number of seats available for Government representatives, the Office had explained that delegations would be entitled to two seats each; additional seating might be allocated on a case-by-case basis where possible. The working group had discussed issuing part of the Committee's report as a verbatim record rather than a summary record, which would reduce production time and costs and increase transparency. The verbatim section would include statements on the General Survey, discussion of individual cases and the general discussion. Furthermore, the report itself would be restructured so that part one would contain the introduction, general questions relating to international labour standards, outcomes of the discussion on the General Survey, conclusions on individual statements, cases of serious failure, adoption of the report and closing remarks. As a result, the conclusions on the 24 individual cases examined by the Committee would be contained in both parts one and two of the report. The working group also agreed that the Committee's report would have to be adopted by both

the Committee itself and the plenary of the International Labour Conference. Since part of the report would be longer, as it would contain a verbatim record, it would require additional time for translation and would therefore be made available on the Conference website in the three working languages no later than one month following its adoption by the plenary.

56. Concerning the list of cases for possible discussion by the Committee, the working group had discussed the proposal to give the Governments concerned the opportunity to submit new information. Such information could be provided no later than two weeks prior to the Conference in one of the ILO's working languages and should not exceed three pages. The timing of the publication of the list of possible cases would be discussed at a later date. With regard to the ILO Centenary, the working group had agreed that the Committee would celebrate the Centenary during its opening session through opening statements and an audiovisual projection showing historic photographs and interviews. Furthermore, the Chairperson and Vice-Chairpersons would be invited to a round table event during the sitting of the Committee of Experts on the Application of Conventions and Recommendations (CEACR).
57. The working group had agreed that in order to enhance the discussion of the General Survey, the time allocated to the opening statements and the general discussion should be reduced, but noted practical difficulties in that regard. It was proposed that a set of questions might focus the discussion of the General Survey and achieve more strategic outcomes. The working group had agreed to revisit that proposal following consultations on the type of questions that may be appropriate. Finally, the working group had discussed the involvement of the Committee's Chairperson in the preparation of its conclusions. In such a case, the Chairperson would not be prevented from consulting the Vice-Chairpersons. Recalling the importance of not undermining the functioning of the Committee, the working group decided to consider that proposal at a later date, and asked the Office to provide an historical perspective on the evolving role of the Chairperson and the functioning of the Committee. The possibility of a Government representative being permitted to take the floor regarding the draft conclusion on an individual case with the permission of the Chairperson and prior to its adoption by the Committee was also discussed, and deliberation of that proposal would continue.
58. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Brazil said that, the working group had also discussed the need to transmit the draft conclusions to the Governments concerned with sufficient notice to enable them to make an appropriate response. He hoped that discussions on that proposal would continue and agreement be reached. Lastly, it would have been useful to have had a written report of the meeting of the working group prior to the current discussion, in order to facilitate Governments' responses.
59. *The representative of the Director-General (Director, NORMES)* said that, in accordance with established practice, a written report would be made available as soon as possible to those who had attending the working group, to serve as a basis for the next meeting of the working group in November 2019.
60. *The Worker spokesperson* reiterated her request for the insufficient focus on international labour standards in the seven themes identified to be remedied. All events should be tripartite, have an adequate regional balance and be gender mainstreamed. As the event on peace and democracy proposed by the Workers had not been retained, that theme should be addressed in the high-level section of the Conference.
61. Theme 1 on the future of youth should not replicate theme 2 on lifelong learning but should, above all, look at the quality of young people's jobs in both developed and developing countries. She approved of the plan to include the celebration of World Day against Child

Labour under theme 1. Theme 2 should not be centred on technology but on access to free quality public education systems, skills opportunities and vocational training. Lifelong learning must also be linked to career advancement and to companies' interest in investing in new skills in order to retain workers. The theme could also provide a setting for discussing the recognition of diplomas across countries.

62. Theme 3 on technology should indeed address issues linked to the platform economy and rights at work. Her group fully supported a discussion on the impact of changing business models, including the “uberization” of employment and the increasing dominance of a small number of powerful data companies on the promotion of decent work. The Workers supported having a digital labour booth for theme 3 and would like there to be other interactive booths on core ILO activities, such as the Centenary campaign for the ratification of international labour standards. Theme 4 on formalizing work for social inclusion should also cover the growing trend of precarious work arrangements. The role of standards in formalizing work should be better addressed. The Workers welcomed the proposed high-level event on freedom of association and collective bargaining under theme 5 and supported its proposed focus.
63. Theme 6 on social dialogue and tripartism should address the role of collective bargaining in reducing income inequalities. The topic of bipartite social dialogue should go beyond national boundaries to cover the positive and innovative examples of global framework agreements. Instead of integrating the issue of working time into theme 6, the Workers advocated celebrating the centenary of the Hours of Work (Industry) Convention, 1919 (No. 1), with a separate, high-visibility event on working time and the modern challenges to its regulation. The event should address both excessive working hours and irregular and insecure working hours, including zero-hours contracts, in addition to work–life balance and working time sovereignty. Lastly, far-reaching digitalization required discussion on the “right to disconnect”.
64. Her group would welcome a simpler, more appealing title for theme 7 on “harnessing the transformative potential of changes in the world of work”. The focus with respect to the care economy was unclear. She proposed addressing women’s participation in the workforce, the quality of jobs that women traditionally performed, occupational segregation, the gender pay gap and the potential of the care economy for job creation. The discussion on the rural economy should focus on how to address the informality, precariousness and poverty that characterized employment in that sector. Her group did not support a focus on social finance. Instead, discussions on other themes should address the fiscal and other policies needed to realize the transformative potential of changes in the world of work.
65. The Workers agreed with the proposals detailed in section VI of the overall Conference programme. While she welcomed the interest demonstrated by Governments in attending the Centenary Session of the Conference, the visibility of Workers’ and Employers’ interventions must be ensured, in line with the tripartite nature of the ILO. In the light of the campaign launched earlier in 2019 to promote the ratification of international labour standards, Governments that spoke in the plenary should also highlight their commitment to ratification. The Workers endorsed the draft decision.
66. *The Employer spokesperson* requested that the Committee of the Whole start work prior to Wednesday, 12 June, preferably on Monday, 10 June at the same time as the Standard-Setting Committee, as it would need as much time as possible for its work. He would appreciate information from the Office on how it planned to facilitate the timely conclusion of sessions at the Conference and to guarantee safety when participants worked after dark.
67. Recalling that his group was of the view that too much was being attempted with the thematic forums, he reiterated his preference for a focused approach consisting of five or so panels of

three hours each. A proliferation of activities would disadvantage smaller delegations. While he did not dispute the need to talk about technology, skills, formality of work and social dialogue, the format could be simpler. Theme 1 was absolutely fundamental. It was unnecessary for the thematic forums to attempt to deliver conclusions, de facto or otherwise. He was in favour of filming the exercises so that the images and verbatim recording of proceedings would serve as a legacy that the Organization could use as it saw fit. The same applied to the proceedings of the CAS. With regard to invitations to enterprises or bodies to participate in the Conference, these must be subject to the accepted procedures and coordinated with the secretariat of the IOE. Lastly, while the agreement to hold a high-level event on freedom of association in 2019 stood, the inclusion of that event in the thematic forums meant that there could be no second gathering later in the year on the same topic.

- 68.** In summary, the thematic forums should not merely recap the work of the Organization or replicate the work of the Committee of the Whole; following the path sketched by the Workers' group could turn them into an activities report. It would be preferable to hold a limited number of time-limited discussions on general areas of interest that would engage with the fundamentals of the future of work.
- 69.** *Speaking on behalf of IMEC*, a Government representative of Greece expressed regret that the way in which the discussions on GB.335/INS/2/2 and GB335/INS/2/3 had been organized had resulted in unbalanced interventions from constituents over the course of two meetings. Nevertheless, her group had noted all interventions with interest. In particular, it had keenly followed the discussion of the Centenary arrangements held on Saturday, 23 March 2019 during the informal tripartite consultations on the working methods of the CAS. The Office should distribute information regarding the selection of themes and a schedule of events to constituents as soon as possible, and preferably by the end of March. IMEC supported the draft decision.
- 70.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania endorsed the statement delivered by IMEC. The EU and its Member States trusted that the Office would take into account the Governing Body's guidance and provide the necessary information in sufficient time for participants to be properly prepared for the Conference. He endorsed the draft decision.
- 71.** *A Government representative of India* expressed appreciation for the Office's efforts to develop a more comprehensive Conference website and a new online tool for the submission of amendments in committees. There should be one common format for all the thematic discussions in order to increase clarity and promote greater participation. His Government supported the chosen themes, all of which should have a specific gender component. There could also be a dedicated team on women's empowerment in the context of emerging forms of employment. Discussions under the theme on the future of youth should emphasize emerging skills requirements, the labour market integration of youth entrepreneurs and promoting the social security needs of and decent work for those who worked for multiple foreign enterprises and institutions. The discussions should identify the role and responsibility of the tripartite constituents in meeting the requirements of the future. Discussions under theme 3 should focus on the creative potential of technology and the skills required for its use. With regard to paragraph 27, key takeaway points might be provided in addition to summaries of the forum discussions.
- 72.** *Speaking on behalf of GRULAC*, a Government representative of Brazil reiterated his group's proposal to include an analysis of five cases of progress from the CAS during the Centenary Session in order to demonstrate the positive impact of the normative system on the promotion of decent work. The number of discussions, round tables and other events should be of reasonable length in order to allow smaller delegations to participate and thus ensure a proper exchange of diverse views. The outcome of the thematic events should not

constitute decisions or lead to the publication of conclusions. It would be expedient to focus on the Centenary Initiatives in order to ensure the most efficient and fruitful discussions possible. Decent work for young people was a topic of the utmost importance to his region and must be given adequate attention at the Conference. He regretted that the topic of cooperatives and the solidarity economy had not been included on the list of thematic forums.

73. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that capacity to start the meetings of the Committee of the Whole early in the first week of the Conference was being considered. In relation to after-dark arrangements, late sittings would be discouraged wherever possible. The standard concluding time for the Conference would be 6.30 p.m., with an exceptional completion time of 10.30 p.m. and no sittings beyond that time. Catering options for evening sittings were being discussed with the United Nations Office at Geneva but might prove expensive, as the Office would need to underwrite the cost of food provision. The Office was exploring the option of shuttle services, which, in the event of late-night finishes, would take participants to the train station or another convenient central location.
74. Although the total number of themes under consideration now stood at around 12, with approximately 50 sub-themes, some common aspects had been expressed by members. Thematic sessions lasting between one hour and half a day would be held over four or five days, meaning that the target was to consolidate the list of proposed themes into a maximum of 12 events. The Office would endeavour to put the diverse views expressed by the three groups into formats, themes and sessions of interest to all constituents.
75. Noting the preferences expressed for a standard, tripartite format for the thematic events, he underscored that the forums were not high-level sessions and would not be decision-making. For that reason, they would be more spontaneous than usual in order to encourage maximum interaction and give a voice to high-level speakers. The Office was consulting with Governments, the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) in relation to speakers and encouraged members to put forward further proposals. The speakers appointed would, to some extent, determine the precise format and topic of each event.
76. While it would be extremely difficult to finalize any proposals by the end of the current month, as requested by IMEC, the Office would certainly endeavour to draw up specific proposals for dissemination as soon as possible.
77. *The Worker spokesperson* said that her group supported the adoption of an innovative approach to the Centenary Session, as the Workers would welcome a change in direction, politically and otherwise. While the Workers had requested a tripartite presence, they did not mean to suggest that the World of Work Summit should include a traditional tripartite panel. The Workers were not opposed to the idea of a summary of the discussion in the forums, as not everyone would be able to attend every event.
78. *The Employer spokesperson* said that his group was fully committed to assisting the Office with its preparations for the Centenary Session and to providing it with the necessary input. The Employers maintained that a broadly generic structure for the Conference would be the best foundation for diverse output. With the right speakers, diversity of views and general questions, the Office could achieve something unusual and avoid a business-as-usual approach to the Conference. Lastly, his group was in favour of limiting the number of events, which should include high-profile speakers and cover both unusual and fundamental issues.

79. *Speaking on behalf of GRULAC*, a Government representative of Brazil proposed that the Office should provide constituents with updates on its preparations for the Centenary Session so that they could send the Office their comments and suggestions.
80. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office would welcome keeping the channels of communication open, as it might require the assistance of the Governments and social partners in attracting high-level speakers. The Office would continue to keep constituents informed of any developments relating to its Centenary preparations and could set aside time in April for more detailed discussions.
81. *The Worker spokesperson* said that while her group was in favour of keeping the channels of communication open, it did not wish to engage in endless rounds of consultations. It trusted the Office to take constituents' comments and suggestions into account in shaping the Centenary Session.

Decision

82. *The Governing Body:*

- (a) *proposed to the Conference that it implement at its 108th (Centenary) Session the arrangements set out in document GB.335/INS/2/2, including the suspension of the provisions of the Standing Orders specified in Appendix I, and the tentative programme of work in Appendix II; and*
- (b) *provided guidance on the themes and formats suggested for the thematic forums outlined in paragraphs 25–35 of document GB.335/INS/2/2.*

(GB.335/INS/2/2, paragraph 38)

Outcome document of the 108th (Centenary) Session of the Conference ([GB.335/INS/2/3](#))

83. *The Director-General* recalled that document GB.335/INS/2/3 had been drafted following informal consultations and contained the building blocks for the outcome document that would be adopted at the 108th (Centenary) Session of the Conference. The overwhelming message received during the consultations was that sights must be set very high when it came to the ambition of the outcome document. There was clear support for the document to be drafted in the form of a Declaration, which would stand comparison with other historic texts adopted by the Organization. Areas of convergence around the content and nature of the Declaration had been identified and it was agreed that the document should go beyond affirming the ILO Constitution and the Declaration of Philadelphia; it must have forward movement and be of universal relevance to all member States, regardless of their circumstances. The impact of the document might be reduced through over-lengthy drafting and therefore some discipline would be required during the negotiation process.
84. The outcome document must address longer-term developments in the world of work and the strategic challenges that the ILO would face in the future. The document must therefore drive the ILO's authority in employment and labour matters and reflect its role in shaping the future of work. Thus, it did not seem helpful that the Declaration should include a

separate follow-up mechanism but, rather, a whole-of-Organization response through the programme and budget.

85. The first of the four building blocks, which were set out in the appendix, comprised a preambular part that would reaffirm the values and mandate of the Organization. The second building block would identify emerging challenges and opportunities, including environmental and demographic issues. The third part would contain a commitment to concrete action on the part of the ILO and member States, drawing heavily on the Report of the Global Commission on the Future of Work. The final building block would address the means of action, which included the questions of what, how and why the ILO should be undertaking its activities. It should refer to the central importance of international labour standards; social dialogue and tripartism and strengthening of tripartite actors; development cooperation; the reference and knowledge function of the ILO; and developing greater policy coherence and complementarity between the ILO and other parts of the multilateral institutional system.
86. The Office would provide a draft Declaration in time for the consultative round planned for late April. The more work that could be done before the Conference in June, the better the ILO would be able to bring the positions of its tripartite members together and the easier it would be to adopt a Declaration that would stand up to the ambitions of the ILO and its members.
87. *The Worker spokesperson* supported the adoption of an ambitious Declaration to mark the ILO Centenary and the call of the Global Commission on the Future of Work to reinvigorate the social contract to give “working people a just share of economic progress, respect for their rights and protection against risk in return for their continuing contribution to the economy”. With its constitutional and normative mandates, the ILO was uniquely placed to revitalize the social contract and, as previously agreed, it would be assisted in that task by the compilation of a robust, clear and up-to-date body of international labour standards that were ratified, implemented, supervised and enforced. Furthermore, in a globalizing world, it was even more important to ensure basic regulations, a level playing field and a reduction of inequality. The Workers’ group would expect to see a reference to the universality of the international labour standards on the protection of workers, freedom of association and collective bargaining reaffirmed in the outcome document, including in the context of the strengthening of social dialogue and collective bargaining. Human-centred and inclusive growth could not exist without respect for trade union and labour rights.
88. Any document adopted must go beyond the Declaration of Philadelphia and should continue the key guiding principle that labour was not a commodity. The outcome document must have a clear framework for implementation and have real impact in the work of the ILO. Major developments to be addressed included demographic change; the transition to environmental sustainability; the growth of the digital economy; changing patterns of production; the erosion of the employment relationship; and growing income inequalities. The Declaration must recognize the fundamental change in the composition of the workforce globally, and the need for gender mainstreaming in view of the large numbers of women entering the formal and informal labour markets. The Declaration must promote policy coherence and examine international economic and financial policies in the light of the objective of social justice.
89. The Workers’ group firmly supported the establishment of a universal labour guarantee that would apply to all workers, regardless of their contractual or employment status. As a minimum, rights should include the protection of safety and health at work, a maximum limit on working hours, and an adequate living wage and be recognized as the floor of a new social contract. The leadership role of the ILO was essential in the future of work, sustainable development and peace and justice for the twenty-first century.

90. *The Employer spokesperson* said that the world of work was changing at an unprecedented speed and the Centenary Session and the discussion on the outcome document would provide a golden opportunity for ILO constituents to build on their long-standing tripartite consensus and push the ILO to its next level of development, making it relevant, effective and innovative to deal with the transformations ahead.
91. With respect to document GB.335/INS/2/3, the results of the informal consultations held in February 2019 were only partially reflected in the appendix. Decisions would need to be taken on the format and content of the outcome document by consensus with the Workers and Governments in order to produce a strong and balanced document that would take the ILO into its second century. With respect to the content, as outlined in paragraph 4, the statement concerning “the creation of decent and sustainable work as a priority, to assist through ensuring the environment for productive and sustainable business models” was not very clear but would be a good starting point when considering the building blocks. Paragraph 5 of the document mentioned the need for the outcome document to constitute the basis for the next ILO programme and budget; the Employers’ group would reserve its comments on that proposal until more progress had been achieved in shaping the outcome document, given that it would form the basis of deliberations on the programme and budget.
92. The proposal of a redesigned implementation report to regularly monitor the progress made in achieving the outcome document objectives also required further discussion. The Employers’ group suggested that a resolution to accompany the outcome document with time-bound priorities for ILO action might be considered. Therefore, an outcome document that was concise and action oriented but not time bound, as mentioned in paragraph 6, did not respond to the view that clear priorities must be set. Furthermore, the outcome document should be clear and ambitious and the ILO should not limit itself to be the “global authority on labour and employment matters”, as set out in paragraph 6(e). Rather, it should strive to be the global leader on the generation of full and productive employment, on supporting member States, and on helping enterprises to thrive and create productive and decent jobs, thereby ensuring their competitiveness and sustainability. The theme should form a central building block and be positioned after Part 2.
93. While agreeing that the process for a draft Declaration should be accelerated, the Employers’ group expected that the Office would continuously consult with the constituents and their secretariats prior to the informal tripartite consultations to be held in April 2019. Additionally, the group requested that a draft plan of action be produced with a clear time frame and a draft agenda for negotiation of the outcome document to be presented to the Governing Body to give an idea of how the June negotiations would be structured.
94. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that during tripartite consultations on the outcome document, agreement had been reached on the need for an ambitious and concise declaration to express the ILO’s long-term direction. Basing the outcome document on the ILO Constitution and previous milestone declarations would ensure that all constituents were committed to its realization. Greater attention should be paid to the recommendations contained in the 2019 report of the Global Commission on the Future of Work, particularly concerning the need to prepare for the skills needs of the future taking into account varying forms of work and employment relationships. In order to ensure that the declaration was relevant to all member States, the outcomes of the regional and national dialogues on the future of work should also be taken into account and the application of international labour standards and the ILO supervisory system should be strengthened. His group agreed with the outline content and structure set out in paragraphs 6 and 7 of document GB.335/INS/2/3. However, he sought clarification on the use of the biennial programme and budget to monitor the implementation of the outcome document, and why the outcome document would not be time-bound.

95. His group agreed that the outcome document should address the ILO's unfinished business, which should include the need to ensure the democratic representation of all member States on the Governing Body. Recalling the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, he said that the abolition of the permanent seats on the Governing Body should be a key element of the outcome document and should, therefore, appear in the draft outcome document to be discussed in April 2019. His group was seeking a political and tripartite commitment to reflect the significant changes in the ILO's membership over the course of the past century in the Organization's governance structures, as referred to in paragraph 3 of the document before the Governing Body.
96. His group proposed that the title of the outcome document should be framed around the words "building a future with decent and sustainable work" or "with decent and productive work" and that it should use the human-centred approach adopted by the Global Commission. The increasing reliance on automation, digitization and the use of artificial intelligence would affect the skills required of workers in the future; that should be reflected in the concept of decent work, without undermining job creation and the transition to environmental sustainability. He looked forward to the April 2019 negotiations on the outcome document, which would take into account the guidance provided by all constituents during the current session of the Governing Body.
97. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented considered that the preparations for the Centenary Session of the International Labour Conference, including negotiations on the outcome document, should include all governments and social partners in order to build the trust and transparency required to ensure that the Conference was a success. As the international community was moving towards the achievement of the 2030 Agenda and UN reform, the ILO must ensure it was fit to face future challenges and benefit from the opportunities offered by the ever-changing world of work. His group remained committed to development cooperation, constructive social dialogue, sharing best practices, in particular with regard to the ratification of ILO instruments, and ensuring an effective, transparent, tripartite supervisory system. He called for a clear negotiation process based on documents that accurately reflected constituents' comments, which might include contributions from the Office when requested. In order to ensure its full implementation at such an important historic moment, the constituents should be able to recognize their opinions in the final outcome document, which should be ambitious, whatever form it took.
98. The Panama Declaration for the ILO Centenary: The future of work in the Americas (Panama Declaration) was the only recent regional declaration to focus on the ILO Centenary and, as such, should be taken into account when the draft outcome document was being prepared. Recalling the reference in the Panama Declaration to the ILO's leadership role, he urged constituents to strengthen their institutional capacities to implement standards and guidelines, increase understanding of current work relationships and strengthen sharing of good practices and development cooperation. The outcome document should focus on strengthening and modernizing the ILO's supervisory system, in view of its importance, by maintaining the principles of transparency, coherence, efficiency, impartiality and tripartism and avoiding duplication. Doing so would require the full participation of all governments in standard-setting meetings.
99. Lastly, he supported an agenda based on a human-centred approach to the future of work that prioritized lifelong learning and retraining and urged the Office to collaborate with agencies such as the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) in that regard.

- 100.** *Speaking on behalf of IMEC*, a Government representative of Germany agreed that the outcome document should be a declaration that built on the ILO Constitution, the Declaration of Philadelphia and previous declarations and asked the Office to prepare a draft declaration prior to the negotiations scheduled for April 2019. The outcome document should be of use to countries at different stages of development, meaningful, results-oriented, concise and able to stand the test of time; having reviewed the proposals, she said that the latter two were of particular importance. Turning to the appendix to document GB.335/INS/2/3, she said that Part 1 should contain a strong, high-level reaffirmation of the value and relevance of the ILO and its mandate, principles and objectives. Part 2 should go beyond identifying current challenges and opportunities to ensure that the outcome document would have enduring relevance and value. IMEC welcomed the commitment to action set out in Part 3, but considered that more diverse sources of input than the recommendations of the Global Commission on the Future of Work were needed. Lastly, she expressed support for the content of Part 4, particularly for the ILO's role in the multilateral system. IMEC supported the draft decision.
- 101.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia aligned themselves with his statement. He supported the statement made on behalf of IMEC. He welcomed the acceleration of the negotiations on a draft outcome document and the agreement to build on the ILO Constitution and the Declaration of Philadelphia while reaffirming the ILO's core principles, strategic objectives and normative role, the value of tripartism and social dialogue and their relevance to the future. Concerning the appendix to document GB.335/INS/2/3, he agreed that there was a need to reaffirm the ILO's mandate in Part 1, in view of persisting decent work deficits and the fundamentally changing nature of work. The Office should ensure a balance between the challenges and opportunities mentioned in Part 2. Constituents should commit to a human-centred agenda to reinvigorate the social contract. Part 3 should indeed draw on the recommendations of the Global Commission on the Future of Work, but should also reflect other ideas; nevertheless, the three interlinked and mutually reinforcing pillars of action described therein would form a good basis for the upcoming negotiations.
- 102.** It was essential to support and prepare for future-of-work transitions, particularly through investing in people's capabilities. His group supported the focus on the acquisition of skills, reskilling and upskilling, in line with the universal right to lifelong learning. The ILO could take a more proactive role in that field through enhancing the activities of its International Training Centre and should continue to strengthen its research, knowledge and expertise in order to better promote the outcome document. He agreed that occupational safety and health should be added to the ILO's fundamental principles and rights at work and options for implementing that proposal should be considered. While there was a need to protect all workers regardless of their contractual status, the recommendation of the Global Commission to establish a universal labour guarantee would require further reflection, particularly with regard to modalities of national implementation and the practicalities of including a reference to work-life balance. Further commitments to invest in the institutions of work should focus on international labour standards, regulations, employment contracts, adequate living wage, collective agreements and labour inspection systems, how to harness and manage technology and the need to promote decent work in trade and global supply chains. A discussion on how to safeguard the quality of work and social protection of all workers in digital labour platforms was also needed. The EU supported strengthening inclusive and cross-border collective representation through social dialogue, particularly in the digital economy.
- 103.** The ILO had an important role to play in addressing climate-related challenges as did the circular and green economies in achieving a just transition to environmental sustainability.

The role of the social economy as a driver for development and employment should also constitute a focus. His group supported a transformative and measurable agenda for gender equality, and universal social protection systems, appropriate to each national context. Turning to Part 4, his group supported the need for a robust, up-to-date and adaptable body of international labour standards. Constituents should focus on ratifying and implementing existing standards and consider adopting new standards where appropriate. The existence of a well-functioning, authoritative, efficient and effective supervisory system was a matter of critical importance. The ILO should reassert its role as leader and convener of activities to promote social justice and ensure policy coherence on matters relating to the world of work. A high-level task force comprising the ILO, WTO, OECD, IMF and the World Bank could be established in order to review coordinated activities in that regard. The ILO should also seek new and innovative partnerships in order to ensure the attainment of its objectives.

- 104.** Future programme and budget documents should be formulated to ensure the effective implementation of the outcome document, which would require intersessional work following the Centenary Session of the International Labour Conference to review the ILO's Strategic Plan for 2018–21 in light of the outcome document. Given that not all implications of the ongoing changes to the world of work would be identifiable during the Conference, an effective mechanism would be required to monitor progress in implementing the outcome document, subject to tripartite consensus. The EU and its Member States supported the draft decision.
- 105.** *A Government representative of the United States* said that the declaration should be a strong reaffirmation of the ILO's mandate and principles, which remained valid in a world of work that had changed profoundly since the Constitution, the Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights at Work had been drafted. The challenge was not to update those documents but to adapt national and ILO mechanisms, techniques and procedures to the new environment. While the topics listed under the building blocks were largely appropriate, there was a need to prioritize realistic goals. Certain goals, such as universal entitlements and guarantees, might be fiscally unsustainable even in advanced industrial countries. The outcome document should ideally be concise, comprehensive and action-oriented, along the lines of the second paragraph of the ILO Constitution. He supported proposals to draft a strategy for moving forward and the Director-General's proposal that the Governing Body do so at its 337th Session in the context of the programme and budget discussions. He strongly agreed that a formal follow-up mechanism was not required.
- 106.** *A Government representative of Switzerland* said that Parts 3 and 4 might be reworded to focus more on the opportunities than on the challenges presented by changes in the world of work, in order to create confidence. Partnerships with non-state actors, the private sector, other UN entities and the Bretton Woods institutions were key to facing the global challenges listed under Part 2. Conditions that supported the economy and innovation were also of crucial importance, as only a productive economy would support sustainable economic growth and decent work. The ILO should intensify its collaboration with the private sector in order to address issues such as global supply chains. The declaration should be ambitious, chart a clear path for the future and focus on constructive dialogue between actors in the world of work for a consensus-based approach. To that end, she encouraged constituents to strongly reaffirm the central role of social partnership. She noted that Part 3 contained many recommendations from the report of the Global Commission on the Future of Work despite the fact that ILO tripartite discussions had yet to take place on that issue. The declaration should be accompanied by a resolution.
- 107.** *A Government representative of China* supported the outcome document taking the form of a declaration. He suggested including the goals of eliminating poverty and inequality through employment and skills development; providing assistance to member States to

achieve Sustainable Development Goal (SDG) 8 through strengthening development cooperation; and strengthening tripartite cooperation in order to realize mutual benefits.

- 108.** *The Worker spokesperson* said that her group would comment fully on its position the following week.
- 109.** *The Employer spokesperson* said that she supported the reaffirmation of the ILO's principles and objectives under Part 1, especially those not yet fully achieved. However, they must be checked against reality to ensure their continued relevance to the challenges faced by employers and workers. As it entered its second century, the ILO mandate should be focused on achieving equal opportunities, full and productive employment and decent work for all and the continuous improvement of productive efficiency as preconditions for social justice and lasting peace.
- 110.** In respect of Part 2, she proposed that the transformational changes facing the world of work for employers, workers and governments should be discussed and strongly supported the Swiss proposal to focus on opportunities rather than challenges. In addition to the points already listed, her group would like to address a number of additional issues, including: the effect of globalization on trade, poverty reduction and employment creation; the inadequacy of policies and international support to address labour informality and bring people into the formal sector; declining global productivity growth; the role of, and the need to improve, primary education; regulatory frameworks allowing for flexible workplace arrangements; women's access to the global labour market; the digital gap preventing economic and social progress for entire populations; remaining deficits to freedom of association, the rule of law, and other fundamental principles and right for employers and workers; the need to improve health and safety in the workplace; recent migration trends requiring realistic and efficient domestic policy and global cooperation; the high level of corruption within institutions that undermined investments aimed at economic growth and social justice. With regard to tackling inequalities, it was incorrect to assume that inequalities were increasing; in fact, they were decreasing in many regions. Efforts must be made to differentiate to identify adequate tools to decrease inequalities and assess how to use them successfully. Furthermore, there was undue emphasis on addressing the supposedly rapid growth of the platform economy in which, in reality, only a small percentage of the global workforce was involved; the topic should not dominate discussions.
- 111.** Her group concurred with the view that the base of Part 3 was narrow; it should take a broader approach than the report of the Global Commission on the Future of Work and consider inputs from the constituents, whose ownership of the outcome document was important to ensure its tripartite balance. The commitment to place people at the heart of social and economic development must not overshadow the crucial importance of an enabling environment for the creation of employment through open, dynamic and inclusive labour markets. The ILO and all constituents must reach consensus on developing a strategy to improve equal opportunities for inclusive prosperity based on a human-centred agenda. In that connection, the three pillars of the future of the ILO should be: equal opportunities for inclusive prosperity; a human-centred agenda – meaning the development of lifelong learning, support for people through future-of-work transitions, tailor-made policies on gender equality, strengthened social protection and improved promotion of collective representation and social dialogue; and an agenda to promote the goals listed under SDG target 8.3. That pillar required the promotion of sustainable enterprises. The outcome document should be accompanied by a resolution with time-bound priorities for action, a “Roadmap for action”.
- 112.** The ILO should prioritize its role as a global leader on skills anticipation and guidance for policymakers. In addition, it should support member States seeking to enhance productivity, develop leadership in member States addressing informality by seeking solutions through a

bottom-up and differentiated approach and ensure that international labour standards and other non-normative guidance were effective, universal, balanced and relevant. Furthermore, it should develop expertise on job transition support schemes to design support for agile mobility; support member States in building and reforming policies aimed at achieving dynamic and efficient labour markets; develop programmes to foster youth employment; strengthen social dialogue and share good practice on how to modernize it, in particular in the digital context; and support the development of social protection. In view of the need for the ILO to focus on capacity building, a tripartite approach and targeted responses to the needs of member States, she proposed that the outcome document might be entitled: “Shaping the future of work: A shared responsibility of governments, employers and workers”. She asked the Office to establish a mechanism for regular and close consultations with the secretariats of the various groups while producing the initial draft.

- 113.** *The Worker spokesperson* said that the Employers’ extensive explanation of its views had created an uncomfortable imbalance; the agreement had been to provide preliminary explanations at that stage of the session. Such an imbalance must not be allowed to happen again.
- 114.** *The Director-General*, noting that not all inputs had been given at the current stage of the Governing Body, said that some points needed to be considered prior to the second round of discussions. The Office had sought to conduct consultations in line with its commitments and to the satisfaction of constituents and had provided substantive topics for discussion. The initial draft of the outcome document would be made available by mid-April. In view of that deadline, he invited members to make proposals on the content of the draft at the current session and to anticipate the appropriate open, transparent, and inclusive processes after the publication of the draft. The report of the Global Commission on the Future of Work would be an important source of inputs for the outcome document; however, he agreed with the Employers’ group that the Commission was not fully tripartite and its recommendations would not bind the Governing Body. The Office would also acknowledge the points made by the Government representative of Brazil on the importance of the Panama Declaration, as well as those made by the Africa group regarding the continuing national dialogues on the future of work that had begun prior to the Commission’s work. It would be challenging to incorporate the extensive content proposed for inclusion in a concise, impactful declaration that would be universally applicable at all stages of development and not purely conjectural. He had recommended the Declaration of Philadelphia and the Preamble to the ILO Constitution to the Governing Body in his opening speech as a good example of an extensive yet concise and significant declaration. Members should be guided by the principle of restraint with a view to developing a concentrated, concise and impactful outcome document with consequences, rather than one that would celebrate the ILO’s Centenary and be disregarded in the future. The Governing Body should consider the appropriate format for the outcome document, as well as the mechanism for ensuring that it had consequences; some had proposed a built-in follow-up mechanism, while others had proposed an accompanying resolution in order to set time-bound parameters. Proposals would require careful consideration as they would affect the length, conciseness, universal applicability and durability of the declaration. Further conclusions would be drawn from the considerations of the Governing Body later in the session, once all sides had been heard.
- 115.** *The Worker spokesperson*, noting with satisfaction the general support for an ambitious Declaration to mark the Centenary of the ILO, said that her group was in favour of requesting the Office to prepare a draft Declaration to be available for the consultations scheduled for April 2019. It should be as powerful and inspirational a document as the ILO Constitution and the Declaration of Philadelphia. Although the scourges of the twenty-first century would be different to those of the twentieth, they could have similarly devastating consequences. The Organization should reconfirm that social justice, decent work and the protection of workers and their families, as part of a fair model of globalization, continued to be the best

recipe for peace and stability. The Workers' group strongly supported the call by the Global Commission on the Future of Work for a fundamental, human-centred, change of direction in economic and social policies, and its call to reinvigorate the social contract. The ILO must have a leadership role not only in the future of work, but also in sustainable development more broadly. The Declaration should be concise but meaningful, making the case for immediate action in terms that would stand the test of time.

- 116.** Referring to the building blocks for a Centenary Declaration set out in the appendix to document GB.335/INS/2/3, she said that her group supported the proposal for Part 1 (Reaffirming the mandate of the ILO). The Organization's tripartite governance system and emphasis on enabling the rights of freedom of association and collective bargaining was vital to a future of work with social justice at its centre. There could not be human-centred and inclusive growth without respect for those rights. Emphasizing that any outcome document must go beyond previously adopted texts, but not replace them, she said that the notion that labour was not a commodity, as stated in the Declaration of Philadelphia, must continue to be a key guiding principle.
- 117.** With regard to Part 2 (Identifying the challenges and opportunities for the future of work), the Workers wanted to include clear references to increasing income inequalities and gender pay gaps, an issue that should be followed up in the operative parts of the Declaration. Furthermore, there should be explicit references to minimum living wages and collective bargaining. The refugee crisis should be mentioned in connection with labour migration. There should also be recognition of the fundamental change in the composition of the workforce, with the massive increase of women workers in both the formal and informal labour markets. The risks relating to the closure of democratic space and assaults on workers' rights must also be addressed. Just transition should be included as a key concept, not only in relation to environmental sustainability, but also in other areas, such as digitalization. The challenges of the digital economy relating to working time, data protection and privacy must also be addressed, and the "right to disconnect" should be included in any debate on working time regulation. It was also important to mention the changing patterns of production and work, business models and employment relationships.
- 118.** The Workers' group supported legitimate demands to recognize the fundamental changes in the composition of ILO membership and constituencies, but requested clarification from the Office on the meaning of point 2(h). That part must also more clearly address the need for the ILO to take a leadership role to ensure coherence across the multilateral system. There should also be a separate point addressing the need for quality public services. Austerity measures had meant that legitimate demands for essential services remained unmet. Public services had an enormous impact on women's employment opportunities, in particular, by providing both jobs and services for working women.
- 119.** In Part 3 (A commitment to action), the order of elements should be altered so that section (2) on "Increasing investment in the institutions of work" came first. A universal entitlement to lifelong learning should be linked to access to quality education for all. An agenda for gender equality should reflect the need for a more equal division of labour in both paid and unpaid work, which must be supported by measures including strong public services, as well as investment in the care economy, working-time arrangements and social security. Her group agreed with the provision of universal social protection, but recalled that social security embodied both social insurance and social assistance. The issue of pensions must also be explicitly addressed as part of the package.
- 120.** Noting that point (2)(a) covered a lot of issues, she said that there should be a separate point on the normative and rights-based mandate of the ILO, with a reference to the universality of international labour standards and the important role played by the ILO supervisory system.

121. There should be a clearer reference to the continued importance of the employment relationship as a means of providing legal protection to workers. The decent work impacts and challenges of digitalization needed to be addressed, including by developing a new standard for digital labour platforms. When referring to technology, regional inequalities, including how to address the enormous and growing digital divide, should be taken into account.
122. The Workers' group firmly supported the establishment of a Universal Labour Guarantee for all workers, which should include as a minimum limits on working hours, an adequate living wage and the protection of safety and health at work. With respect to the latter, the Workers' group continued to support the need for the protection of safety and health at work to become a fundamental labour standard and asked for clarification from the Office as to how that could be achieved.
123. Strong and representative organizations of employers and workers were vital to a future of work with social justice at its centre, and the key role of coordinated and centralized collective bargaining as a public interest, should be acknowledged. The references to the care economy and the social economy were important, but there should be a more explicit reference to the public sector as well. Productive and decent work needed to be pursued jointly. The concept of sustainable enterprises must also include environmental sustainability. There also needed to be a focus on the macroeconomic environment needed to promote full and sustainable employment and decent work. The Workers' group strongly supported the proposal to focus on addressing decent work deficits in the rural and informal economies.
124. In Part 4 (Means of action), the Declaration must reaffirm the standard-setting function of the ILO and the need to promote the ratification of up-to-date international labour standards and the importance of the ILO supervisory system. It should acknowledge the need to promote cross-border social dialogue and compliance with standards and remedies across borders, with a view to addressing decent work deficits in global supply chains. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the UN *Guiding Principles on Business and Human Rights* provided relevant guidance. There must also be a reference to the ILO Declaration on Social Justice for a Fair Globalization. If the Declaration was to be forward-looking, it had to indicate new ways to implement established policy and provide global direction for an integrated and inclusive framework.
125. As a follow-up to the Declaration, the ILO could strengthen partnerships with multilateral institutions in order to promote common employment objectives. Development cooperation activities should meet the needs of the social partners as well as member States.
126. The Declaration was missing any reference to labour statistics, which should be added. In that connection, the ILO should pursue the suggestion made by the Global Commission to develop indicators that went beyond gross domestic product in order to encourage and track progress on a human-centred development agenda. That could become part of a report that would promote coherence and be used to provide assistance to constituents in achieving the objectives set out in the Declaration.
127. The programme and budget would of course have to be formulated to give effect to the Declaration, but the Declaration also needed to have political follow-up that communicated with the outside world. The International Labour Conference resolution referred to in paragraph 5 of the document should, in addition to issues related to the programme and budget, outline the institutional arrangements needed for the ILO to give effect to the Declaration, support its constituents, clarify its role towards the other organizations and reinforce its normative mandate. Nothing in the follow-up should lower the level of ambition

set by the founding texts of the ILO. Since time might not allow a fully-fledged proposal on implementation and follow-up to be developed at the Conference, the resolution could perhaps outline the main ideas that would then be further developed by the Governing Body.

128. *The Employer spokesperson* said that the principles of the Declaration of Philadelphia must be reaffirmed and applied to the context of the twenty-first century. Several of the ILO's core values that were also contained in that Declaration – and which were preconditions for social justice and lasting peace – had been neglected and required increased attention as the Organization entered its second century. Those included equal opportunities, full and productive employment, training and the transfer of labour, the continuous improvement of productive efficiency and a high and steady volume of international trade.
129. The draft Declaration should contain three parts, rather than the four suggested in the appendix to the document, and should be followed up by a time-bound road map with priorities for ILO action and an indication of its means of action. The first part would reaffirm the ILO's principles and objectives, especially those that had not yet been fully achieved.
130. The second would focus on the transformational changes facing the world of work, including: the effects of globalization on trade, poverty reduction and employment creation; labour informality; declining global productivity growth and its impact on inequality; the role of primary education and the urgent need to reform it; flexible workplace arrangements; access of women to the global labour market; the digital gap; the remaining deficits to freedom of association, the rule of law, and other fundamental principles and rights; health and safety in the workplace; recent migration trends; and the high level of corruption within institutions.
131. The third part would contain the Declaration's core message and purpose, drawing not only on the "human-centred agenda" approach recommended by the Global Commission on the Future of Work, but also on the need for an enabling environment for employment creation through open, dynamic and inclusive labour markets.
132. If the outcome document aimed to consolidate the ILO as the global authority on labour and employment and strengthen its role and influence, the ILO should start playing a concrete role in the generation of full and productive employment. It must become a centre of excellence for knowledge and skills regarding employment creation, providing leadership and vision on the generation of full and productive employment and supporting member States in helping companies to thrive and to create productive and decent jobs – ensuring their competitiveness and sustainability – while taking into account each country's specific circumstances.
133. The ILO constituents must reach a consensus on a strategy to improve equal opportunities for inclusive prosperity based on a human-centred agenda – comprising ideas inspired by the Global Commission – complemented by an agenda to promote policies that supported productive activities, decent work creation, entrepreneurship, creativity and innovation, and encouraged the formalization and growth of enterprises, as set out in target 8.3 of the SDGs. The second agenda represented the improvement of productive efficiency as set out in the Declaration of Philadelphia and built on the idea that without a better future for production there could be no better future for work, a concept that necessitated the promotion of sustainable enterprises.
134. The views of her group were flexible with regard to the format of the follow-up, although it should align with the dates and activities relating to the SDGs, and SDG 8 in particular. While there was insufficient time to fully negotiate the outcome document and its time-bound priorities before the Centenary Session, it was important that the session included

discussion of the ILO's next century and a plan of action for the next decade. The ILO's activities must be based on the real needs of member States and produce measurable outcomes, and its priority areas should focus on skills anticipation, enhancing productivity growth and addressing informal work through innovative solutions that did not focus exclusively on decent work deficits in the informal economy, but also examined its root causes, which often stemmed from limitations on the formal sector. The ILO should also develop expertise on job transition support schemes, support member States in adopting policies to develop dynamic and efficient labour markets, consider the employability of young people and support the development of social protection schemes.

- 135.** Its efforts to strengthen effective social dialogue and capacity-building for representative organizations should be balanced, robust and up to date, as must its international labour standards. Social dialogue and international labour standards were ineffective where there were high levels of informal work and could not address the challenges of the twenty-first century alone; new tools and approaches were needed. The focus on the platform economy was disproportionate given that around 60 per cent of the world's workers were employed in the informal economy, and the phenomenon could help reduce informal work in developing countries. When examining new ways of fulfilling its mission, the ILO should, as a matter of urgency, liaise with relevant national institutions, such as those responsible for education, the economy and technology.
- 136.** Her group proposed the title "Shaping the Future of Work: A Shared Responsibility of Governments, Employers and Workers" for the draft Declaration and called on the Office to establish a mechanism for regular, close consultation with the group secretariats and with ACTRAV and ACT/EMP when building on the first draft. She requested that a plan of action with a clear time frame for negotiating the outcome document and the agenda of the Committee of the Whole be presented to the group secretariats by the end of the current session of the Governing Body.
- 137.** *Speaking on behalf of the Africa group*, a Government representative of Nigeria reiterated that, if a draft Declaration was to be pursued, it should address the question of the democratization of the Governing Body. The ILO should conclude any unfinished business before moving into its next century, including by overcoming the failure to ratify the 1986 Instrument for the Amendment of the Constitution of the ILO, which would grant equal opportunities for all regions by doing away with the notion of permanent seats. That failure was a source of shame and provided a weak foundation on which to build a draft Declaration, plans for which should be abandoned if there was a lack of belief in the process of democratization. Indeed, it was unclear whether the Office of the Director-General was committed to the ratification of the 1986 Amendment, and efforts to promote its ratification among the Members of chief industrial importance had been lacking. He called on all Governments to commit to that process and on the Workers' and Employers' groups to support it. A sense of unity was vital if the current global transformational changes were to produce positive developmental outcomes. Noting the proposal that the outcome document should be action-oriented but not time-bound, he said that if a draft Declaration was to be pursued, a road map and timelines must be drawn up to ensure implementation and follow-up.
- 138.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented still held the same views it had expressed previously. He added that the drafting process for the outcome document must be transparent, inclusive and tripartite to ensure that it fully reflected the vision and principles of the three groups of ILO constituents. He supported the structure of the document proposed by the Office and remained open to the Employers' proposal to include a more detailed road map. He emphasized the importance of following a human-centred approach, facilitating job creation and considering new ideas,

such as a universal labour guarantee. The document must reaffirm the value of genuine tripartism and the input of governments in tripartite dialogue. Emphasis should be placed on the impact of rapid technological change and the importance of skills training and lifelong learning. The outcome document must also address inclusive and sustainable social protection systems. The group would like Part 2 of the document to include a reference to the importance of youth employment.

139. *Speaking on behalf of ASPAG*, a Government representative of Australia asked how many consultations on the outcome document would be held before the International Labour Conference in June. The document must set a flexible and forward-looking agenda that could be adapted to respond to new challenges and opportunities. Part 2 of the document should therefore provide broad context, rather than a definitive list of the challenges and opportunities inherent in the future of work.
140. Part 3 of the document required further consideration. While the report of the Global Commission on the Future of Work was a useful reference point, the outcome document should not simply replicate its recommendations. Nevertheless, her group supported the human-centred agenda. In that regard, the social economy should be stressed in the document as a key human-centred business and economic model. Affirming the importance of committing to further action on broad themes, including those identified in the Centenary Initiatives, she noted that the position of ILO Director-General had never been filled by someone from the Asia and the Pacific region, nor by a woman. The ILO must commit to improving cooperation with other multilateral organizations and maximizing the potential of existing mechanisms such as the SDGs.
141. While her group did not underestimate the many challenges to decent work, identifying too many areas as priority risked diminishing the impact of the ILO's work. The focus of the Centenary should be the ILO's unique strengths, namely tripartism, social dialogue and international labour standards. Part 4 of the document was therefore particularly important.
142. The ILO's structures, processes and mandate needed to be fit for purpose and reflect its diverse membership. The Office should do more to help strengthen national capacities. It must also work with its member States, the social partners and other actors in the UN system to shape international and regional economic and financial policies and actions, with a view to achieving sustainable development, a fair global economic order and a decent world of work. The implementation of the resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals was therefore imperative.
143. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania thanked the Office for its flexibility in preparing a first draft of an outcome document by mid-April 2019. Having put forward its views and listened with interest to the views and proposals of the Employers, Workers and Governments, the EU and its Member States were convinced that there was a good basis from which to make progress. They therefore looked forward to the informal consultations to discuss further the content of and follow-up to the draft Declaration and to build consensus on what would be a key outcome document for the Organization.
144. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand welcomed the drafting of an outcome document that would have a long-term strategic direction and focus. The building blocks for the outcome document must be practical and relevant and create a sound environment for greater collaboration across regions, sectors and organizations. He appreciated the proposal to reaffirm the ILO's mandate as the first building block of the document, since it emphasized the fundamental importance of the ILO's leadership. Part 2 of the document provided a connection between global and regional issues: democratic change, digital transformation and the changing

nature of the world of work were global issues that fed into regional priorities to prepare green jobs, green skills and to harness digital technology, in accordance with the recommendations of the Global Commission on the Future of Work.

145. Part 3 of the building blocks was essential to build the solid ground required for Part 4. The latter, in particular, must have concrete means for implementation, clear-cut roles and responsibilities of ILO constituents, and effective methods for monitoring and evaluation. Emphasis must be placed on the means of action in order to produce an outcome document that was both practical and achievable. He expressed the hope that the document would help to narrow development gaps, in particular by harnessing and managing technology for decent work.
146. *A Government representative of India* agreed that a Centenary Declaration should set the long-term strategic direction and focus for the ILO, promoting and building on previous outcome documents. It should also reflect on how the ILO could be reformed and strengthened through greater transparency and meaningful social dialogue. ILO constituents must work together to create an organization that was more fit for purpose and democratic, and the expansion in its membership should be reflected in its governance structures and processes, including through equitable geographical and gender representation.
147. It was essential that the document should identify the challenges and changes the world was currently facing and would face in the future due to artificial intelligence and globalization and emphasize the various partnerships required to face the challenges and optimize opportunities through a coordinated approach.
148. While the focus in Part 2 of the building blocks on demographic change, labour migration, gender gaps, addressing future skills and multilateralism was appreciated, emphasis should also be placed on challenges such as informality, social security, the sustainability and productivity of microenterprises and intergovernmental cooperation to enhance female participation in the workforce. Gender initiatives were a core part of the ILO and it should develop a clear, robust and updated body of international labour standards that were applied through a transparent, participative and more credible supervisory system. The ILO should continue to provide technical expertise on tripartite questions and engage in research and analysis in order to advance social justice and promote decent work. The ILO should also do much more to help strengthen national capacities and work with other sectors in the UN multilateral system in order to shape international and regional economic and financial policies, help eradicate poverty and ensure full and productive employment. There should be arrangements to follow up the Centenary Declaration through the International Labour Conference.
149. *A Government representative of Bangladesh* said that the world of work was rapidly changing and a Centenary Declaration must give a clear direction on how to address the challenges and opportunities of the future of work, taking into account the recommendations made by the Global Commission on the Future of Work.
150. People and the work they carried out must be at the centre of ILO policies and practices and the outcome document must focus on the skills needed for the future, as well as making learning lifelong. Priority must be given to unskilled youth and migrant workers, the possible impact of modern and future technology, and opportunities for regular migration. The vast impact of climate change must also be recognized in the document. Social protection was one of the four pillars of the ILO and it must be included in Part 2 of the document, as providing technical assistance to developing countries would be vital for ensuring quality social protection. In Part 4 of the document, actions must be based on priorities, rationality and the possibility of achieving the highest benefit. There should be clear guidance and policies and the Office must have the necessary resources.

- 151.** *A Government representative of the United Kingdom*, expressing pride in his country's long and shared history with the ILO, supported the drafting of a Declaration for adoption at the Centenary Session of the Conference. There appeared to be agreement that the outcome document should reaffirm the ILO's principles and mandate: as the Director-General had stressed, it must be aspirational, precise and represent a true tripartite consensus. In order to make a Declaration accessible, it must be free of jargon or academic or philosophical concepts and any ideas taken from the report of the Global Commission on the Future of Work must be translated into plain language.
- 152.** The document must also address areas of unfinished ILO business. The Government representative of the United Kingdom would welcome stepping up efforts on forced and child labour in support of efforts to eradicate modern slavery and thereby achieve target 8.7 of the SDGs. The work of the ILO on decent work in global supply chains was important in that context and the timetable for the ILO's programme of action should not be allowed to slip. The Government representative of the United Kingdom joined the Government representative of the United States in urging caution with regard to commitments to provide universal entitlements. In accordance with Part V of the Declaration of Philadelphia, due regard must be given to the stage of social and economic development of each people, and therefore the aims of the Declaration must be nationally appropriate.
- 153.** As stated both by the Government representative of Romania on behalf of the EU and its Member States, and by the Government representative of Switzerland, the ILO must seek a balance in addressing the challenges and opportunities presented by a changing world, such as providing technical assistance to help constituents harness the opportunities for economic development brought about by technological advances. The ILO should also be committed to action in providing economic policy expertise to help States to create an environment for productive work and in finding innovative ways of ensuring better employment engagement and workforce relations. The Government representative of the United Kingdom further supported the suggestion by the Government representative of France speaking on behalf of France and Germany to hold a thematic debate at the International Labour Conference in June on reducing inequalities through better coherence between the ILO and other relevant international institutions.
- 154.** *The Director-General* thanked constituents for their contributions to the second round of discussions on the outcome document noting the Governing Body's strong support for a declaration that adequately reflected the ILO's ambition. The Office was committed to distributing a draft declaration at least one week prior to the first round of consultations, scheduled for 25–30 April 2019. Those consultations would also include discussion on how the Committee of the Whole would work at the Conference. Following that, a second draft declaration would be produced, and a second round of consultations organized, if required. The Report of the Global Commission on the Future of Work would not be the only source document for the draft declaration; the Office would also take into account the outcomes of relevant National Dialogues and Regional Meetings. He recognized constituents' desire for a concise, impactful declaration. However, constituents had mentioned a large number of issues not all of which could be individually listed, particularly if the goal was to produce a text as short as the Declaration of Philadelphia or the Preamble to the ILO Constitution. He recognized the general consensus that the Declaration should not simply celebrate the ILO Centenary but should have consequences. Lastly, further discussions were required on the form that follow-up should take.
- 155.** He reassured constituents that their comments would be taken into account when preparing the draft declaration and noted their general support for the four building blocks set out in the appendix to document GB.335/INS/2/3. Lastly, he reminded the Governing Body that the Declaration should be clear to readers who were not members of the Governing Body or

even the ILO and should be drafted in such a way that it would remain relevant in another 75 years, which might mean that some current issues were not specifically included.

156. *The Employer spokesperson* reiterated that the ILO's mandate in its second century should be focused on achieving equal opportunities, decent work for all and improvements in productive activities, which were preconditions for social justice and lasting peace. Thus, it should help Governments and enterprises to develop policies that created quality employment through a human-centred agenda based on achieving SDG target 8.3, which would lead to a better future for work. The Centenary Conference was an opportunity to build on long-standing tripartite consensus and ensure that the ILO remained relevant, effective and innovative. An ambitious outcome document, with priority areas and timeframes, and an appropriate follow-up mechanism, were essential, and his group – having submitted various proposals – looked forward to receiving the first draft of the declaration. He asked the Office to produce a time-bound plan of action for the consideration of the draft Declaration and the agenda of the Committee of the Whole before the end of the current session of the Governing Body.
157. *The Worker spokesperson* took note of the planned process for negotiations on the outcome document. She noted that there had been no proposed change to the ILO's mandate, which was right as there were still elements of that original mandate that were unfinished. She recognized the request from the Employers' group to focus on productive employment and enterprises, and said that several instruments would be required to make that a success, including collective bargaining and mechanisms to address income inequalities.

Outcome

158. *The Governing Body provided guidance on the building blocks for a Centenary Declaration as detailed in the appendix of document GB.335/INS/2/3.*

(GB.335/INS/2/3, paragraph 9)

Third item on the agenda

Revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018

([GB.335/INS/3\(Rev.\)](#))

159. *The Employer spokesperson* said that the revised action plan was more concise and focused than the first version and one reflected the conclusions of the second recurrent discussion on social dialogue and tripartism. In particular, it devoted adequate attention to research on the business case for social dialogue and to strengthening the capacity of the social partners to contribute to skills development and productivity enhancement. However, as the revised action plan did not include all ILO initiatives on social dialogue, the Office should ensure that work remained streamlined, coordinated and avoided duplication. The Governing Body needed to see the overall picture with regard to the Office's activities on social dialogue and tripartism, including its financing.
160. The Employers were broadly in favour of the proposed draft decision, subject to three considerations. First, the timing of the high-level event on freedom of association and

collective bargaining during the Centenary Session of the International Labour Conference, as stated in paragraph 20 of the document, was problematic as that would make it difficult to involve the ILO supervisory bodies, in particular the CAS of Standards. The Employers urged the Office to hold tripartite consultations on the timing, content and participants before taking further decisions with respect to the organization of the event, which would require careful planning. Second, the Office's request, in paragraph 28 of the document, that the Governing Body provide guidance regarding priority activities and outputs from those proposed in the plan of action, was misplaced. It would not be appropriate for the Governing Body to engage in priority-setting with respect to a Conference decision. The Office should consider the entire gamut of social dialogue activities within the context of the programme and budget proposals, with a view to achieving coherence and facilitating the full attainment of the objectives set by the Conference and make sure that resources met priorities. Third, while the Employers' group highly appreciated the proposals set out in paragraphs 23 and 24 regarding coordination, monitoring and review of implementation, those were confined to the Office. The Governing Body should have an overview of the progress made. More specifically, a new section should be included in future programme and budget implementation reports that would outline how the action plan had been resourced and implemented. The aim was to keep constituents fully informed, in a comprehensive manner, of the activities undertaken each biennium, leading up to the next recurrent discussion on social dialogue and tripartism in 2023. The Office should also consider how best to streamline the relationship between the conclusions of the International Labour Conference, resulting plans of action and the programme and budget, since the proliferation of action plans, roadmaps and similar documents of a semi-programmatic nature created confusion.

- 161.** *The Worker spokesperson* noted with appreciation that the revised action plan reflected most of the points arising from the conclusions of the second recurrent discussion on social dialogue and tripartism. The Office's efforts to provide cost estimates were also welcome, but the basis on which they had been elaborated was not very clear. For example, staff costs did not appear to be included in all items, some activities were planned for a particular year while others were not, and it was unclear which activities were new or ongoing, budgetary or extra-budgetary, already funded or yet to be funded. The Workers, like the Employers, did not wish to engage in detailed debates on those issues that would result in the Governing Body micro-managing the Office.
- 162.** The Workers were concerned that only two activities were presented as extra-budgetary, and wondered how those activities would be funded. They agreed that paragraphs 27 and 28 were misguided; by asking the Governing Body to cherry-pick among activities, the Office was effectively requesting it to revise a Conference resolution based on mutual compromise and hard-won consensus. The Workers would not engage in such discussions. If in doubt, the Office should refer to the reports of the 2018 ILC committee on social dialogue and tripartism, and of the discussion at the 334th Session of the Governing Body. The Office should engage in a campaign for the ratification and effective implementation of Conventions Nos 87 and 98, which should be launched at a high-level event during the Centenary Session of the Conference. The Office should also promote collective bargaining and extension mechanisms in both the private and public sectors in order to promote equal pay for work of equal value and help ensure that the rewards of progress were fairly shared. With respect to paragraph 27 of the document, the Office must allocate adequate resources to producing a new yearly flagship report on social dialogue and tripartism, as specified in the Conference conclusions. The Workers noted with concern that the Office was not taking its demands for such a report seriously despite its close connection to the core business of the ILO and the value it would add in the context of UN reform and the Future of Work report, which called for a new social contract. Resources from the regular budget should be allocated to the implementation of the internationally agreed methodology to measure national compliance with labour rights, namely, freedom of association and collective bargaining, in the programme and budget for the next biennium. That work would most

likely also facilitate the development of the flagship report and drive down its cost. Lastly, the Workers requested that all the measures to promote social dialogue and tripartism, included in paragraph 3 of the “Framework for action” of the Conference conclusions, be embedded in the revised plan of action so that resources would be mobilized for their implementation. The Workers’ group would support the draft decision provided that it received assurances from the Office in respect of its concerns.

- 163.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini commended the Office for producing a revised action plan that covered all of the components and key outputs contained in the Conference conclusions. With regard to the budgetary shortfalls alluded to in paragraphs 26 and 27 of the document, he reiterated his group’s call for the Office to make efficiency savings by merging interrelated and cross-cutting outputs, some of which could be pursued together. The Office should identify and explore partnerships with other UN agencies and strategic partners with similar mandates, for example for the implementation of components 1(b)(ii) and (f)(ii), detailed in Appendix I. Indeed, the Conference resolution itself requested the Office to communicate the conclusions of the second recurrent discussion on social dialogue and tripartism to relevant organizations; his group wondered whether that request had already been executed. Only if the above measures did not yield sufficient resources to enable full implementation of the plan of action should the Office consider proceeding to the prioritization of activities and outputs. On the understanding that the Governing Body would receive periodic updates on the implementation of the action plan without the need for a Governing Body decision to that effect, his group supported the draft decision.
- 164.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group welcomed the fact that the plan of action mainstreamed social dialogue across all policy outcomes, Decent Work Country Programmes (DWCPs) and development cooperation programmes and projects. With regard to thematic priorities for strengthening the capacity of constituents to engage in social dialogue, the group attached great importance to labour market policies for the future of work, including on skills development and lifelong learning; the transition from the informal to the formal economy; and enhancing enterprise productivity, inter alia. The International Training Centre of the ILO had an important role to play in such capacity-building. With regard to research and training, it was crucial to build on the previous plan of action 2013–17 and to widely disseminate any generated knowledge or findings through a variety of media so as to maximize outreach. As knowledge-sharing events, including South–South cooperation, would facilitate the implementation of the plan of action, experiences and best practices should be shared in an effective manner. ASPAG was of the view that there was no one-size-fits-all approach to organizing and strengthening social dialogue and that countries’ specific needs should be taken into account in the plan of action to ensure its effectiveness.
- 165.** *Speaking on behalf of IMEC*, a Government representative of the United States said that while the plan of action should be ambitious, it must also be realistic and remain within the ILO’s mandate and reasonable budgetary parameters. The size and significant resource implications of the proposed plan of action, which bore a minimum price tag of US\$15 million, gave cause for deep concern. IMEC wished to know how the Office intended to fund the two important outputs for which there were no specific budgetary provisions. While component 1 of the plan of action appropriately recognized the importance of capacity-building for effective social dialogue at all levels, there was no description of the activities and costs for the follow-up to the Meeting of Experts on Cross-border Social Dialogue or for the global and sectoral meetings; IMEC wished to know when that information would become available. With regard to component 2(a), IMEC expressed concern at the stated lack of resources to produce an annual flagship report and would welcome guidance on alternative options, such as linkages with existing reports or publications, if appropriate and relevant. As to component 4, the focus should be on what

the ILO should be doing to enhance its internal and external policy coherence on social dialogue, particularly in its engagements within the UN system and in forming strategic partnerships. While recognizing that the plan of action might have to be adjusted in the light of the outcomes of the Centenary Session, inter alia, IMEC supported the draft decision.

- 166.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina and Georgia aligned themselves with his statement. The EU and its Member States supported the statement made by IMEC. They considered that the institutional capacity-building of social dialogue actors and mechanisms should be integrated across all ILO policy outcomes and DWCPs. They welcomed the determination of the Office to intensify its campaign for the universal ratification and effective application of Conventions Nos 87, 98 and 144, as their ratification and implementation would enable countries to have an operational social dialogue built on mutual trust. Policy coherence must be enhanced if the ILO wished to expand its partnerships and cooperation with the UN system and other international and regional institutions. The promotion of tripartism and the participation of the social partners in national strategies to deliver on the 2030 Agenda for Sustainable Development and in the UN reform should also be a priority. The EU and its Member States expressed concern at the absence of specific budgetary provisions for the flagship reports and the implementation of the internationally agreed methodology to measure national compliance with labour rights. The Office should prioritize activities in the revised plan of action, shift allocated budgets between activities and avoid duplication in order to ensure the feasibility of the plan. The EU and its Member States supported the draft decision.
- 167.** *A Government representative of Indonesia* said that national social dialogue mechanisms should be tailored to national circumstances. Her country attached importance to strong and effective national tripartite institutions, labour administrations and dispute prevention and resolution bodies. It supported the integration of the institutional capacity development of social dialogue actors and mechanisms across all ILO policy outcomes and DWCPs; the expansion of publicly accessible databases on industrial relations and social dialogue; and the development of user-friendly policy and training tools for constituents, which should take into account limited Internet access in some countries and the need for policy and training tools in national languages. Indonesia welcomed the provision of technical assistance to countries undertaking reforms of their legal frameworks on freedom of association, collective bargaining, social dialogue, and tripartism and considered that such assistance should be developed in close cooperation with constituents and in line with the DWCPs. It also supported the promotion of strategic partnerships with the broader UN and development communities at the global, regional and national levels, and encouraged the Office to continue promoting the role of the social partners and tripartism in the reform of the United Nations development system (UNDS). Indonesia supported the draft decision.
- 168.** *A Government representative of the United States* said that she wished to clarify her country's position on component 4(g) of the plan of action. The United States did not support the Global Compact for Safe, Orderly and Regular Migration and could not allow its financial support to be used for ILO activities undertaken with the specific purpose of implementing it. It would, however, continue to support the fulfilment of the ILO's own mandate for labour migration.
- 169.** *A Government representative of Poland* said that since her country had not signed the Global Compact, it could not support the allocation of ILO financial resources to component 4(g).
- 170.** *A Government representative of Brazil* said that the Governing Body had decided at its 333rd Session (June 2018) that the allocation of resources for the various programme priorities would not be defined before the second half of 2019; therefore, any decisions taken during current session should not prejudice or pre-empt the outcome of the discussions

to be held at its 337th Session (October–November 2019). The Office should explain why the document stated that implementation of the internationally agreed methodology to measure national compliance with labour rights would cost an estimated US\$1.88 million over a five-year period, when GB.335/INS/14/1 provided an estimate of US\$860,000 per biennium. Moreover, since not all member States supported the Global Compact, any activities aimed at its implementation should not be financed by the regular budget of the ILO. Furthermore, a final decision on the allocation of resources for a high-level event on freedom of association and collective bargaining should not be taken prior to discussion of document GB.335/INS/2/2. It was unclear why the Governing Body should consider, at its 337th Session, whether it would be appropriate to convene a tripartite meeting on freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers. He asked whether the matter had been discussed and approved by the screening group or by the sectoral advisory bodies, and what the estimated US\$80,000 would cover.

- 171.** *A Government representative of Chile* said that his country wished to associate itself with the statement made by Brazil. In particular, having not signed the Global Compact it agreed that any activities aimed at its implementation should not be financed by the regular budget of the ILO.
- 172.** *A Government representative of Bangladesh* said that his country encouraged the Office to take national norms and traditions into account when designing programmes and providing services aimed at strengthening social dialogue. National circumstances should also be taken into consideration when implementing the intentionally agreed methodology to measure national compliance with labour rights. Cross-border social dialogue was particularly complex in the globalized economy, and therefore the Office should step up its knowledge-sharing efforts and generate more data on its scope and impact on enterprises and employment, particularly in developing countries. Lastly, as migrant workers were especially vulnerable to exploitation and the denial of their rights in destination countries, Bangladesh welcomed the Office's efforts to promote the engagement of ILO constituents in the Global Compact.
- 173.** *A representative of the Director-General (Deputy Director-General for Policy)*, in response to comments on streamlining activities on social dialogue, said that the Office had made, and would continue to make, efforts to identify existing activities that could operationalize the Conference conclusions and, thereby, realize synergies. With regard to the high-level event on freedom of association and collective bargaining, there would be an opportunity for further discussion of that matter during the discussion on GB.335/INS/2/2. The Office had taken careful note of the comments of Governments relating to the permissible use of their resources in respect of the Global Compact. In response to concerns that the Office was engaging in “cherry-picking” of elements of the Conference conclusions, she emphasized that the Office had no intention of doing that, and that all elements of those conclusions had been included and translated into tangible activities in the revised plan of action. Regarding the indicative costing, she underscored that the lack of budgetary provision for a particular activity did not imply that that activity should not be implemented. The Programme and Budget Proposals for 2020–21, to be discussed at the 337th Session of the Governing Body, would contain proposals on how to fund implementation of the ILC conclusions.
- 174.** *A representative of the Director-General (Head of Social Dialogue and Tripartism Unit, Governance and Tripartism Department (GOVERNANCE))* explained that the Office had based the costing in the revised plan of action on its experience of implementing similar activities. The estimated cost of US\$1 million for the flagship report was based on the costs of comparable reports, such as the employment and social outlook report. However, that figure was conservative; the actual cost could be much higher. With regard to the alignment of the revised plan of action with the proposed Programme and Budget for 2020–21, the

Office would consult with constituents and report to the Governing Body on its subsequent implementation. In response to questions concerning costing for the follow-up to the Meeting of Experts on Cross-border Social Dialogue and the sectoral meetings, that element had been omitted from the document since key information – namely, the outcome of the meeting of experts and the decision by the Governing Body on sectoral meetings programming – was pending at the time of drafting. The item regarding the decision to be taken by the Governing Body at its 337th Session on whether to convene a tripartite meeting on digital platforms and the gig economy came directly from the Conference conclusions. The Office had taken note of requests to specify the kinds of partnerships it would engage in, especially with other international organizations, to promote policy coherence and social dialogue and tripartism across the UN system. The Office had also taken note that some Governments did not wish their resources to be used to finance the ILO's engagement with the Global Compact. He confirmed that the cost for the implementation of SDG indicator 8.8.2 indicated in document GB.335/INS/14/1 corresponded to one biennium while that in document GB.335/INS/3(Rev.) corresponded to five years.

- 175.** *A Government representative of Brazil* asked the Office to clarify exactly how it would ensure that resources from Governments that were not party to the Global Compact would not be used for related purposes. That point was key for Brazil to agree to the draft decision.
- 176.** *The Worker spokesperson*, echoing the Employers' point, said he would welcome more information for the Governing Body regarding implementation of the plan of action, including its costs. Information on the cost of implementation of the previous plan of action on social dialogue (2013–17) would be useful in order to contextualize the sum of US\$15 million attached to the current revised plan. He expressed concern that that amount was disproportionately small considering the central importance of social dialogue to the ILO. He asked why, in paragraph 27 of the document, two specific activities had been singled out as lacking funding. He did not see how such a funding gap could have been identified prior to the deliberations that would occur during the Governing Body's 337th Session. He asked whether the Office considered that implementation of the methodology for SDG indicator 8.8.2 on labour rights might serve to reduce the cost of producing the flagship report, at least for the first year. He emphasized that constituents must be convinced that the Office was not cherry-picking items to include in the Programme and Budget proposals for 2020–21.
- 177.** *The Employer spokesperson* asked the Office to respond regarding the timing of the high-level event on freedom of association and collective bargaining during the 108th Session of the Conference, as no consultation had taken place and, in the Employers' view, such timing would prevent members of the ILO supervisory bodies from participating. She echoed the Workers' insistence that the Governing Body must not only be informed about progress in implementation but be involved in oversight of implementation, based on concrete evidence.
- 178.** *The Director-General*, in response to the Workers' concern on paragraph 27, clarified that the statement was one of fact, not of judgement: the allocation of additional resources would be required if the flagship reports were to be produced. He emphasized that it was the Governing Body's role to decide during its 337th Session, in the light of the decisions taken at the current session, which programmatic activities, including those on social dialogue and tripartism, would be apportioned funding. The Office's role was not to pre-empt the Governing Body's decisions, but to carry out what it had been instructed to do by the Governing Body. He observed that "cherry-picking" for some was the same as "prioritizing" for others. Careful note had been taken of Governments' remarks on the use of ILO resources on the Global Compact and that issue would be discussed comprehensively under GB.335/POL/1. He acknowledged that discussion of the timing of the high-level event would take place later that day.

179. *The Worker spokesperson* expressed again his group's concern that no specific budgetary provision had been identified for the flagship reports or the implementation of the methodology to measure national compliance with labour rights. In the absence of a clear explanation for this, his group would be inclined to amend the draft decision. He requested the Office to provide greater clarity on that point.
180. *The Director-General* clarified that the lack of funding allocated in the current biennium for those two items did not imply any future intention. The Governing Body would have the opportunity to decide on an allocation for that purpose. The process was in line with standard practices respecting the views of both the 107th Session of the Conference and the Governing Body at its 334th Session.
181. *The Worker spokesperson* said that his group would support the draft decision on the understanding that all the activities deriving from the Conference conclusions would be included in the Director-General's programme and budget proposals and would not require additional extra-budgetary resources.
182. *The Employer spokesperson* said that the draft decision stated that the Office would take account of the guidance that had been given by the Governing Body.
183. *The Worker spokesperson* said that research on access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers, as outlined in the plan, would require funding in advance of the decision to be taken by the Governing Body at its upcoming session.

Decision

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

- (a) *take account of its guidance in implementing the plan of action on social dialogue and tripartism for 2019–23 as set out in document GB.335/INS/3(Rev.); and*
- (b) *consider the plan in the preparation of future programme and budget proposals.*

(GB.335/INS/3(Rev.), paragraph 29)

Fourth item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

([GB.335/INS/4](#))

185. *The Worker spokesperson* said that the group remained concerned by the low reporting rate. He urged Governments to submit their reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work and to provide updated information on all fundamental Conventions and called on the Office to continue to promote reporting.

- 186.** Dedicated efforts were needed to ratify Conventions Nos 87 and 98, which remained the least ratified of the fundamental Conventions. Reports from several States indicating that the ratification of one or both of those Conventions was likely were welcome. He called for particular efforts to increase ratifications in the Asia and the Pacific region and the Arab States, which had the largest number of reporting States that had not ratified those Conventions.
- 187.** He welcomed the fact that all States in Africa, the Arab States and Europe had ratified Conventions Nos 29 and 105, but regretted the lack of new ratifications during the reporting period and the low reporting rate for Convention No. 29. He noted with concern that nine countries were yet to ratify Convention No. 29, and 14 had yet to ratify Convention No. 105, but welcomed the intention conveyed by the United States and the Republic of Korea to ratify Convention No. 29. While 28 ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, were welcome, he urged member States to increase efforts to achieve the goal of 50 ratifications under the “50 for Freedom” campaign to end modern slavery. He welcomed the detailed reports provided by member States, of which 38 had indicated their intention to ratify the instrument. However, with no ratifications among the Arab States, he urged the region to make special efforts to ratify the Protocol. He noted with satisfaction that a number of Governments had reported national policies and plans of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour and also measures and specific actions for combating trafficking in persons. Governments should make a special effort to achieve universal ratification of the Protocol for the Centenary year of the ILO.
- 188.** He congratulated the regions of Europe and the Arab States for full ratification of Conventions Nos 138 and 182 and noted with concern that the Asia and the Pacific region had the fewest ratifications of those Conventions. He welcomed Australia’s comprehensive legal assessment of its compliance with Convention No. 138 with a view to ratification and expressed the hope that Palau would soon complete the ratification process for Convention No. 182.
- 189.** He expressed deep regret that no new ratifications of Conventions Nos 100 or 111 had been registered and noted with concern that the Asia and the Pacific region, followed by the Arab States, Africa and the Americas, had the highest number of reporting States that had not ratified those Conventions.
- 190.** He called upon Governments to continue their efforts to overcome obstacles to ratification. Noting the numerous calls by member States for more technical assistance, he urged the Office to further intensify its technical assistance in response to those requests. In addition, technical difficulties in the online reporting system should be resolved. He supported the draft decision.
- 191.** *The Employer spokesperson* thanked the Office for its efforts to obtain 100 per cent reporting and for addressing technical difficulties with online reporting, which had seen an increase in use by reporting States. He welcomed the increase in the reporting rate compared to the previous cycle and the rich content of the reports submitted. He welcomed the main positive developments, which included: three new ratifications of fundamental Conventions and the indication or confirmation by many States of their intention to ratify one or more of those Conventions; the ratification of the Protocol by five member States in the reporting period and the intention of 38 others to do so; the increasing quality of information provided by member States, which indicated how the Office could support constituents to overcome challenges, such as through technical assistance.
- 192.** In order to improve implementation of the Declaration, the Office must focus on finding ways to support implementation at the national and local levels while following the practice

of extensive tripartite consultation. However, while ratification of the fundamental Conventions was an important way for a member State to demonstrate its commitment to ILO core values, there were alternatives, such as policy initiatives. Whether a member State met its responsibilities under the Declaration depended on practical implementation, which did not necessarily tally with ratification of fundamental Conventions. The Office should support member States in all policy initiatives to implement the Declaration. He noted the positive trend among member States reflected in the review in the document, including ratifications of fundamental Conventions, promotional and legal policies to realize the effects of the Conventions, and requests for technical assistance. He urged the Office to respond to those requests and also to continue to build the capacity of the social partners on the ground. Developing constituents' institutional capacity to more effectively support the realization of fundamental principles and rights at work was vital.

- 193.** *Speaking on behalf of the Africa group*, a Government representative of Senegal commended the significant number of ratifications of the eight fundamental Conventions across the five regions as a reflection of the vitality of the ILO and the strength of tripartism. At the same time, he recognized that significant progress remained to be made. The review showed that Conventions Nos 87 and 98 were the least ratified of the fundamental Conventions, which should be of concern to member States and the relevant ILO supervisory bodies. His group welcomed the high number of ratifications by African States of the fundamental Conventions; four of the eight had been fully ratified across the region and considerable efforts had been made to ratify the remaining four. However, additional efforts must be made to ratify the Protocol, which only six of the 54 African States had ratified. He welcomed the fact that seven member States had requested technical assistance to overcome difficulties in relation to the Protocol. ILO technical assistance should strengthen the technical capacity of member States and support their efforts to promote the fundamental rights and principles enshrined in the ILO Constitution, taking into account different national contexts and identifying areas where assistance would be useful. He reaffirmed the Africa group's commitment to the ideals upheld in all of the instruments promoting fundamental rights at work and urged relevant States to make special efforts to ratify those instruments. He also urged all member States to contribute to achieving the ILO's goal of universal ratification of the fundamental Conventions. He supported the draft decision.
- 194.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and EFTA country Norway, members of the European Economic Area, as well as Georgia, aligned themselves with his statement. He called on all member States to step up their ratification efforts and join the ILO Centenary ratification campaign. It was regrettable that Conventions Nos 87 and 98, the cornerstones of the ILO's work, were the least ratified of the fundamental Conventions. Noting that some countries had made progress in ratification, he urged the ILO to provide technical support to any countries requesting it. It was commendable that 30 ILO member States had ratified the Protocol, 14 of which were EU Member States, and notable that another 38 had indicated their intention to ratify it. He highlighted the importance of the "50 for Freedom" campaign to end modern slavery launched by the ILO in collaboration with the IOE and ITUC. The ILO should continue to assist member States in their efforts to respect, promote and implement fundamental principles and rights at work through the universal ratification of the fundamental Conventions. He acknowledged the challenges and technical difficulties encountered by member States in adapting to online reporting and expressed the hope that the Office would make the system more user-friendly to encourage a significant increase in reporting rates. His group supported the draft decision.

195. *A Government representative of the Republic of Korea* expressed his appreciation for the Office's efforts to achieve universal ratification of the fundamental Conventions and described efforts made by his Government to ratify key ILO Conventions.
196. *A Government representative of Greece* said that the information submitted by her Government regarding the Protocol did not justify the inclusion of Greece in table 1, specifically under the categories of "Social values, cultural traditions" and "Political situation". The comments inserted in the report form had indicated ongoing work and had not demonstrated challenges or obstacles in those areas. The inclusion of Greece in those categories was oversimplified, misleading and incorrect. Consequently, she asked for a corrigendum to document GB.335/INS/4, to remove Greece from the two categories.
197. *A representative of the Director-General* (Director, NORMES) agreed that the Office should support all efforts towards ratification of the fundamental Conventions. She took note of the comments made by the Government representative of Greece and said that the Office would amend the information accordingly. She shared the positive news that since the publication of the document, Palau and the Marshall Islands had ratified Convention No. 182, leaving only three States yet to ratify that instrument, and Ireland and Malta had ratified the Protocol.

Decision

198. *The Governing Body:*

- (a) took note of the information presented in the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2018;*
- (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 a specific application with a view to facilitating online reporting and data analysis; and*
- (c) 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, including with a view to combating the global scourge of forced labour including trafficking in persons.*

(GB.335/INS/4, paragraph 215)

Fifth item on the agenda

The Standards Initiative: Overall review of its implementation

(GB.335/INS/5)

1. General observations on the implementation of the Standards Initiative – draft decision 84(a)

199. *The Worker spokesperson*, highlighting the key relevance of progress made regarding the Standards Initiative, said that her group welcomed the opportunity to evaluate, in a holistic manner, the progress made in relation to the Standards Review Mechanism (SRM) and the strengthening of the supervisory system. The ILO was uniquely placed in the UN system as a result of its normative framework and mandate consisting of standard-setting, ratification, implementation, supervision, enforcement and technical support. With regard to evaluating the progress made so far and future developments, equal importance should be given to various aspects of the Organization's framework and mandate. Noting the decision from the 334th Session of the Governing Body, the Workers' group expressed the hope to further develop the discussion rather than revisit earlier elements that had been discussed extensively and decided with a great majority at the previous session. Considering that that was a document providing a comprehensive review of the Standards Initiative and not a report inviting the Governing Body to consider taking new decisions on strengthening the supervisory machinery, the document should not have been marked GB.335/INS/5.
200. *The Employer spokesperson* expressed his group's disappointment at the late publication of the document. However, it reflected the progress and the outcomes which had been achieved by the Standards Initiative. The Standards Initiative process reflected a strong consensus among ILO constituents to preserve and improve the ILO supervisory system as one of its main means of action to address its existing limitations and to adapt it to new needs in the world of work. He said that, on the occasion of the ILO's Centenary, the supervisory system was particularly needed to guide member States in various labour and social issues. Efforts to improve the transparency, balance and relevance of the system in the world of work should continue through ongoing support to the supervisory mechanism by the Office and constituents. The Employers supported subparagraph (a).
201. *Speaking on behalf of the Africa group*, a Government representative of Namibia recalled that the objectives of the Standards Initiative were to enhance the relevance of international labour standards through the SRM and to consolidate tripartite consensus on an authoritative supervisory system. The Africa group supported the draft decision.
202. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the countries in his region had very high rates of ratification of ILO Conventions and were constructive participants in ILO initiatives. Freedom of expression, freedom of association, collective bargaining and social dialogue were key components of their labour legislation and policies. The group of countries that he represented sought to develop solutions to reinvigorate and consolidate true tripartism, drawing inspiration from the best practices of other multilateral organizations; to promote transparency and accountability; and to establish a system free from selectivity and politicization. The fact that most of the cases before the Committee on Freedom of Association (CFA) came from Latin America and the Caribbean was a source of grave concern to the members of his group, as it led them to question the efficiency and effectiveness of the CFA in ensuring respect for freedom of association principles

worldwide. The CFA was not a regional mechanism, and the disproportionate focus on one region could not be explained solely by the number of complaints coming from the region.

- 203.** The current working methods of the CEACR were at odds with any concept of good governance and due process and prevented governments from being able to properly prepare for and participate in its procedures. The introduction of baseline-based report forms, bringing baseline information on thematically related Conventions together in a single form, was welcomed, but raised the question whether countries would be asked to report on all Conventions or only on one of them. The Office should support the implementation of practical suggestions and gradual changes with a view to improving the supervisory system, particularly any proposals regarding the CFA and the CAS that were in line with the approaches put forward by his group in the context of the Standards Initiative. The Office should consider more robust changes to the system and make every effort to avoid the duplication of initiatives and procedures, the saturation of the system, and the overburdening of States brought about by the examination of a single case in the three main supervisory bodies.
- 204.** A guide consisting of a web-based tool on established practices of the ILO supervisory procedures was of vital importance and should include at a minimum: the definition of every supervisory body; the competence of each body; the requirements for the admissibility of cases; the procedure for the examination of cases; the effects of recommendations; the time limits for cases; the terms for the examination of cases; and definitions of what was meant by closed, follow-up and active cases before the CFA. As to the CEACR, he proposed that the Office review the selection process of the members of the CEACR; increase transparency in the selection process; establish a tripartite advisory committee to produce a short-list of proposed experts, which would then be presented to the Governing Body for decision; ensure geographical and gender balance in the composition of the CEACR; and ask the CEACR to explain and justify in detail the grounds for breaking the reporting cycle of a certain country in a certain context. Moreover, the Chairpersons of the CAS and the Government group should be able to meet with the CEACR at its November meeting, as the social partners regularly did.
- 205.** The Office should review and improve the criteria for the selection of cases to be examined by the CAS, with an emphasis on geographical balance and a balance between developed and developing countries, to ensure that such criteria were clear, objective and impartial, and the Governing Body should develop standing guidelines on the selection of cases. The Office should also encourage the use of new technologies to enable the publication, at least 30 days prior to the opening of the Conference, of the final list of the 24 countries to be examined by the CAS. Moreover, it should allow the representatives of the relevant governments to take the floor following the presentation of the proposed conclusions to the cases concerning them prior to the adoption of such proposals by the CAS. Furthermore, the Chairperson of the CAS should be involved in the drafting of conclusions to ensure that the justifications set forth were technical and that priority was given to truly urgent cases. Prior consultations on the General Survey should also be established following the publication of the report of the CEACR to enable proper preparation for the Conference.
- 206.** As to the CFA, voluntary mechanisms based on the recommendation of its subcommittee on working methods should be created to enable the suspension of proceedings so as to permit conciliation efforts or other measures at the national level emulating the mechanism that had been adopted for representations submitted under article 24 of the ILO Constitution. The CFA should also take into consideration structural constraints for addressing complaints at the local level and encourage the strengthening of mechanisms and the resolution of cases at the national level. Lastly, with regard to commissions of inquiry, the Office should codify the article 26 procedure and establish a hierarchy of norms in order to ensure that the article 26 procedure would be used only as a last resort. The Office should also formalize

the rule whereby the establishment of a commission of inquiry suspended the actions of other supervisory mechanisms directly related to the case. In the light of the above, he was not in a position to support the draft decision and proposed replacing the word “welcomed” with “took note of” in order to acknowledge both the progress already made and the steps yet to be taken. It also proposed omitting “which was the result of consensual tripartite decisions”, as there was no need to refer to a tripartite consensus, since all Governing Body decisions were based on such consensuses.

207. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group welcomed the progress made thus far under the Standards Initiative. The work of the SRM TWG was well under way, having already reviewed 160 of the 235 international labour standards included in its initial programme of work. The changes to the reporting cycle and the institution of an electronic document management system should enhance the effectiveness and efficiency of the supervisory system, and the modifications to the article 24 procedure should strengthen that process and ensure that it was balanced, objective and rigorous. IMEC commended the commitment of the tripartite partners and the Office to strengthening and upholding the supervisory system and supported subparagraph (a), as originally drafted.
208. *A representative of the Director-General* (Director, NORMES) said that every effort would be made to ensure the timely publication of Governing Body documents in the future.
209. *The Worker spokesperson*, referring to the amendment proposed by the Government representative of Brazil, said that her group considered a tripartite consensus to be a decision supported by a considerable majority of the Governing Body. The Governing Body had adopted a decision, with the support of a considerable majority, at the previous session, and the Workers did not wish to see that consensus challenged in the wording of subparagraph (a) of the current draft decision or elsewhere.
210. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin American and the Caribbean. He said that a consensus, regardless of whether it was tripartite, was the absence of explicit dissent. His group was not in any way challenging the decision adopted by consensus at the previous session of the Governing Body and simply wished to point out that all Governing Body decisions were essentially the result of tripartite consensus.
211. *The Chairperson* said that, given that the Governing Body was engaged in a tripartite dialogue, it did not seem necessary to mention the word “consensus” every time a decision was taken.
212. *The Worker spokesperson* said that she had understood that the Governing Body would discuss the proposed amendments in detail at the end of the discussion, at which point members might also discuss the difference between unanimity and consensus. It was important to the Workers that the Governing Body should build on the consensus that had been reached at its previous session.

2. Review of the functioning of the Standards Review Mechanism (paragraphs 6–21) – draft decision 84(b)

213. *The Employer spokesperson* said that the SRM TWG had already delivered a major part of its initial programme of work and may need to determine a new programme of work once it was completed. Review of standards by the SRM TWG was only the first step in the process of keeping ILO standards up to date and relevant. SRM TWG decisions should be followed

up by the Office, the Governing Body, the ILC, other ILO tripartite meetings and the constituents in ILO member States. He noted that the SRM TWG had determined follow-up to 63 instruments that had previously been determined to be outdated or in need of revision, and had classified 14 of the 28 standards it had reviewed as either outdated or as requiring further action to ensure their continued and future relevance. In addition, 34 standards had been classified as outdated by the Special Tripartite Committee under the MLC, 2006. To prevent another such “modernization backlog” from recurring in the future, effective measures should be taken to ensure standards were gradually and continuously modernized and updated, without losing sight of the needs of the standards system as a whole. He welcomed the discussion relating to the shape of new standards and processes for their adoption and revision as an opportunity to concentrate, refocus and ensure that the standards system was ‘future proofed’. Ratification and implementation of instruments was crucial. The extent to which the pioneering approach of the MLC, 2006, which appeared to have facilitated the promotion of ratification, implementation and supervision of standards, could be adopted in other areas should be explored. In relation to the lessons learned by the SRM TWG, not every gap in regulation needed to be filled by standards as other rule-making could be considered. Further, while the new three classification system was welcomed, eventually “up to date” would be the only classification, as the other two classifications were temporary. In addition, the Employer group supported the proposal to provide additional resources for the SRM TWG and its follow up, the bulk of which should be invested in creating new sustainable standards. Finally, the statement in paragraph 10 of the document concerning promoting the ratification or implementation of all active standards could not be correct, as that included outdated standards proposed for abrogation. His group supported subparagraph (b).

- 214.** *The Worker spokesperson* said that the tripartite agreement that all standards remained legally active unless otherwise decided by the Conference confirmed that all active standards should be promoted, and allowed the SRM TWG review to take place without questioning the validity of the body of standards. She was satisfied that the SRM TWG was performing its mandate to identify gaps in coverage that required standard-setting action as well as practical and time-bound follow-up action in terms of the promotion of the ratification of up-to-date instruments. While the SRM TWG had succeeded in reaching consensual tripartite recommendations over its first four sessions, the discussions had not been easy. The Workers remained concerned about the absence of adequate follow-up action with respect to addressing identified gaps in standards, as opposed to the swift action taken to abrogate or withdraw a large number of instruments. The group would assess the success of its continued engagement in the SRM TWG on the Organization’s capacity to place proposals for new standards on the Conference agenda and increase ratification rates of up-to-date standards, especially those replacing older instruments on the same or similar subjects. When considering whether standards were outdated, it was necessary to take into account the fact that there was no automatic obligation on member States to ratify revising Conventions, thereby denouncing older Conventions. Progress in those two critical areas would allow movement towards a coherent standards policy that aligned standards supervision, standard-setting and standards review.
- 215.** The Workers were concerned about the risk of repeating a critical weakness of the Cartier Working Party, namely the failure to galvanize a serious ratification campaign for up-to-date standards, the ratification rates of which remained dangerously low. Consequently, while the action taken by the Office to encourage the ratification of such standards was welcome, a more proactive and ambitious approach was required. Rather than merely writing to member States, the Office should engage directly through technical assistance and DWCPs. Increasing ratification rates of relevant standards also required the political commitment from member States, including the support of the social partners at the national level. She requested the Office to inform the Governing Body at its future sessions about the impact and outcome of the campaign, under way in 136 member States, to promote the ratification

of 17 up-to-date Conventions related to 30 instruments previously identified as outdated. With respect to new standards, the effectiveness and credibility of the SRM TWG required a firm commitment from Employers and Governments to follow up on its recommendations. It was not acceptable for groups to cherry-pick recommendations, after negotiations to reach tripartite consensus. The establishment of institutional arrangements for the Conference to follow up on the standard-setting items identified by the SRM TWG remained an important priority and the Workers hoped that the discussions under way would soon lead to a feasible solution as to how to prevent a traffic jam while ensuring action to place proposals on the Conference agenda. A commitment to dealing with the question of how to transfer ratifications from older to newer instruments was necessary. A key consideration was to ensure that no gaps in protection resulted from decisions taken by the SRM TWG. At the previous meeting, the Workers had reluctantly agreed to recommend abrogation dates for outdated instruments while there continued to be member States bound by them that had not ratified the related up-to-date Conventions. In the absence of mechanisms to ensure that up-to-date Conventions would be ratified in the near future, the Workers would closely monitor the follow-up to recommendations and would want to see effective action to improve the ratification rate of up-to-date instruments in order to prevent gaps in protection. Until her group saw that activities to promote ratification bore fruit, it would not agree to abrogate outdated instruments without ensuring that new instruments were first ratified. With those remarks, the Workers accepted subparagraph (b).

- 216.** *Speaking on behalf of the Africa group*, a Government representative of Namibia commended the SRM TWG on the new three classification system for standards. He called for an increase in the number of Government members participating in SRM TWG meetings and supported continuous improvement of the preparatory process for them, especially the organizing of information sessions with member States and progress towards more transparency. The Africa group reaffirmed its commitment to pursuing efforts to ensure that appropriate working methods and procedures were respected. He supported subparagraph (b).
- 217.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented had consistently supported the efforts of the SRM to modernize and improve the standards system, which were in line with his group's own aims in relation to the standards system. The group had always maintained its commitments in relation to the recommendations of the SRM TWG. His group would support subparagraph (b) with no amendments.
- 218.** *Speaking on behalf of IMEC*, a Government representative of the United States said that the relationship between the SRM and standard-setting mechanisms must be strengthened, and she reiterated two main points in that regard. First, the success of the SRM depended not only on the work within the working group, but also on the implementation of the group's recommended practical and time-bound follow-up actions. The discussions of the two option papers in 2018 on the way forward would continue at the 2019 meeting, and it is critical that it has conclusive discussions to ensure that follow-up work is timely, effective and sustainable. This would be crucial for ensuring that the ILO's body of standards was up to date without decreasing the level of protection of workers, and taking into consideration the needs of sustainable enterprises. Second, the outcomes of the SRM should be fully integrated into the activities of the Office, including when proposing items for inclusion on the agenda of the Conference as a matter of institutional priority. IMEC invited the Office to continue its efforts to find ways to ensure concrete and timely follow-up to the SRM TWG recommendations with regard to standard-setting. IMEC would appreciate further explanation from the Office regarding the indication, in paragraph 21, that the Governing Body would be asked to consider the need for additional resources during its 337th Session. Lastly, IMEC requested confirmation that the report of the fifth meeting of the SRM TWG

would be discussed by the Governing Body at the 337th Session, and that the functioning of the SRM would be reviewed at the 338th Session. IMEC supported subparagraph (b).

219. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group applauded the SRM TWG for its vital contribution in ensuring the relevance and responsiveness of international labour standards and took note of the lessons learned as well as the remaining challenges. ASEAN looked forward to the review of the functioning of the SRM TWG in March 2020, and to further reflecting on how the Organization could optimize the working group's recommendations in a sustainable and practical manner, and systematize their follow-up for substantial and meaningful results. He supported subparagraph (b).

220. *A representative of the Director-General* (Director, NORMES), responding to the request for clarification made by IMEC in relation to paragraph 21, said that the Office took seriously the Governing Body's insistence on the need for comprehensive and time-bound follow-up to all SRM-related recommendations. The Office had set up a mechanism to coordinate the various follow-up actions taken by colleagues in the field and headquarters, in accordance with the list of necessary follow-up actions that was added to at each successive meeting. While up until now the follow-up had been financed through existing resources, the Office planned to present a concrete proposal with respect to resources to the Governing Body at its 337th Session to ensure the continued quality of its follow-up to the SRM TWG recommendations.

3. Workplan to strengthen the supervisory system – draft decision 84(c)

3.1. Relationships between procedures (paragraphs 30–37) – draft decision 84(d) and (e)

221. *The Worker spokesperson* said that the emphasis in paragraph 24 on the role of the supervisory system in giving effect to the ILO founding values and constitutional objectives was welcome. The Workers would prefer the guide on established practices across the supervisory system to be descriptive and to help improve the transparency of and accessibility to the existing system. The guide itself must not become a vehicle for introducing changes to current practices. Collaboration with the ITC–ILO on the development of the Guide was welcome. The Workers remained opposed to regular meetings of the supervisory bodies, which would undermine the independence of those bodies, thereby weakening them. However, in line with the Joint Position of the Workers' and Employers' groups on the ILO Supervisory Mechanism (13 March 2017), her group supported the presentation by the CFA of the first annual report by its Chairperson to the CAS in 2019. She supported subparagraphs (c), (d) and (e).

222. *The Employer spokesperson* said that, while the proposed guiding principles for the supervisory system presented at the start of the current session had been rather abstract and vague, all constituents agreed that the supervisory system must be transparent, protect workers, take into account the needs of sustainable enterprises to flourish and create jobs, and be flexible enough to adapt to the changing world of work. It would be desirable to make the guide on established practices across the supervisory system available, as an electronic tool, before the Centenary Session of the Conference. It should be regularly updated and not taken as a pretext for ceasing efforts to remedy identified shortcomings in the supervisory procedures. The Employers took it that the invitation to the Chairperson of the CFA by the CAS would operate in line with the March 2017 Joint Position of the Workers' and Employers' groups that required a proper clarification of the role and mandate of the CFA. The CFA did not have the competence to make interpretations of ratified Conventions and

had no supervisory function. Its mandate, as clarified in its first annual report and in the introduction of the new compilation of decisions, should be recalled when its Chairperson was introduced to the CAS to present its annual report. He welcomed the fact that the CEACR had begun systematically examining, in its observations, the follow-up given to the conclusions of cases discussed by the CAS. He urged the Office to ensure that the CEACR fully accepted the CAS's findings, interpretations and conclusions as a basis for its own examinations and observations. In order to facilitate such exchanges between the two Committees, the Office could provide electronic platforms or other channels. The Employers supported subparagraphs (c), (d) and (e).

- 223.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that his group welcomed the proposal for a regular conversation between the supervisory bodies but would like clarification of when the annual report of the CFA would be submitted and of the role that the report would play in the examination of the implementation of ratified Conventions by the CAS. His group supported subparagraphs (d) and (e) of the draft decision.
- 224.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He reiterated the importance of the guide on established practices across the system and proposed two amendments to subparagraph (c) of the draft decision. Firstly, the word “welcomed” should be replaced by “noted” because, in the view of a significant majority of governments from Latin America and the Caribbean, the progress made in strengthening the supervisory system was insufficient. Secondly, the phrase “and confirmed at its 337th Session” should be added to the end of the sentence to ensure that the Governing Body re-examined the workplan at its next session.
- 225.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group supported subparagraph (c) of the draft decision. She also noted it is unclear what material was encompassed in subparagraph (d) and requested clarification before adopting. IMEC supported the proposed timeline for providing feedback on the guide on established practices and welcomed information on how it could be accessed during the consultation phase. Her group looked forward to the report from the Office on the guide's delivery at the next session of the Governing Body and agreed that the conversation on the codification of the article 26 procedure could be taken up in March 2020, after the review of the guide had been completed.
- 226.** Her group had supported more regular exchanges between the supervisory bodies, insofar as they would advance the objective of greater coherence across the supervisory system. IMEC appreciated that the proposed annual meeting had not been pursued due to concerns of incurring additional expenses and yielding little utility. She requested further information on the genesis of the invitation extended to the Employer and Worker Vice-Chairpersons of the CAS to meet the CEACR at a special session held for that purpose and asked why the Chairperson and Reporter of the CAS were not also invited. Her group welcomed the proposal to invite the Chairperson of the CFA to present the CFA's annual report to the CAS and supported subparagraph (e) of the draft decision. She also requested clarification on whether the Governing Body could extend the invitation to the CFA Chairperson, as drafted, or whether it must be extended by the CAS itself. In the case of the latter, the Office may wish to propose an amendment to subparagraph (e).
- 227.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his comments related to focus areas 1, 2 and 3. His group commended the ongoing improvements to the supervisory system, including efforts to make it more accessible by means of the guide on established practices. However, the guide should not replace regular training and knowledge dissemination at the national level. He reiterated his group's call for

an independent body under article 37 of the ILO Constitution and its support for the proposed informal tripartite exchange of views. The outcomes and proposals of that exchange regarding the establishment of a tribunal should be submitted to the Governing Body by its March 2020 session.

- 228.** His group welcomed the new reporting arrangements, which promised to improve operational clarity and reduce the heavy reporting burden on member States. Nevertheless, regular and accessible training on the online platform should be provided to tripartite constituents at the national level. His group welcomed the pilot project on establishing baselines for the article 22 reporting process, which would complement other changes introduced to streamline reporting. After the pilot project had concluded, it should be evaluated to examine which information had been made public and how it had been used so as to reach a decision on extending the project to other ILO standards.
- 229.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the words “and also invited the Chairperson and Vice-Chairpersons of the Conference Committee on the Application of Standards to meet with the Subcommittee on Working Methods of the Committee of Experts on the Application of Conventions and Recommendations at its November–December meetings of 2019 and 2020” should be added to the end of subparagraph (e) of the draft decision. Paragraph 36 of the document revealed that the Employer and Worker Vice-Chairpersons of the CAS were invited to meet the CEACR to discuss issues of common interest within the framework of a special session held for that purpose; the Chairperson of the CAS should also be invited to the same or similar sessions to afford governments the same opportunity.
- 230.** *The Worker spokesperson* said that the mandate of the CFA included Conventions as well as principles on freedom of association and effective recognition of the right to collective bargaining. This was clarified in the annex to the *Compilation of decisions of the Committee on Freedom of Association*, the entirety of which had been approved by all three groups of constituents and which contained references to Conventions throughout. It was also expressed in the International Labour Conference Resolution of 1970 concerning trade union rights and their relation to civil liberties. The communication between the Employer and Worker Vice-Chairpersons of the CAS and the CEACR focused on improving communication between the two bodies, rather than methodology or content.
- 231.** *A representative of the Director-General* (Director, NORMES) said that Governing Body members would receive a password enabling them to access the draft guide by 15 April 2019 and would have one month to provide feedback. The Office aimed to finalize the guide by the 108th Session (2019) of the Conference, although that would depend on the feedback received. The second annual report of the CFA would be released the week following the current session of the Governing Body and would provide non-country-specific statistical data on its work over the previous year. Subparagraph (d) of the draft decision was intended to summarize the Governing Body’s previous discussions and decisions on elements of the workplan.
- 232.** It was true that the CAS retained authority over its agenda and programme of work; the word “invited” in subparagraph (e) of the draft decision should therefore be replaced by “proposed that the Conference Committee on the Application of Standards (CAS) consider inviting the Chairperson of the Committee on Freedom of Association ...”. The Office was certainly willing to follow up on the Government representative of Brazil’s suggestion of holding consultations on the General Survey to enable proper preparation for the Conference. As to why the Worker and Employer Vice-Chairpersons of the CAS were invited to the special session of the CEACR but a Government representative was not, it was perhaps to ensure continuity, although more investigation into the matter was required.

233. *The Employer spokesperson* said that his group had never agreed to the Worker spokesperson's interpretation of the CFA's mandate. His group could therefore no longer support subparagraph (e) of the draft decision, and CFA members should discuss the matter outside the Governing Body.
234. *The Worker spokesperson* reiterated that her interpretation of the CFA mandate was based on the *Compilation*, which had been drafted and agreed upon by all three groups of constituents. Any discussion on that point should take place during plenary sessions of the Governing Body.
235. *The Employer spokesperson* said that his group's agreement that the Chairperson of the CFA should be invited to the CAS was predicated on the CFA having a clear mandate. As that was no longer the case, the Employer representatives in the CFA needed further consultations so as to clarify the situation for the Governing Body.
236. *The Worker spokesperson* said that she had made her point about the CFA's mandate in plenary so as to involve all parties in the discussion. Subparagraph (e) of the draft decision related only to the presentation of the CFA's annual report to the CAS, as agreed by tripartite consensus the previous November.
237. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that it was important that the mandate of each body was legally and politically clear. His group would support discussions outside the Governing Body to reach a compromise on the issue, provided that they were tripartite.

3.2. Rules and practices (paragraphs 38–50) – draft decision 84(d), (f) and (g)

238. *The Worker spokesperson* said that the Governing Body could return to the discussion of a codification of the article 26 procedure if the guide on established practices proved to be insufficient. However, she doubted whether codifying the procedure would improve its efficiency. The real challenge it faced was that reaching a consensus for the establishment of a commission of inquiry took a long time and was often impossible, even in serious cases.
239. With regard to the article 24 procedure, her group would be closely monitoring the suspension of the examination of the merits of representations in order to seek conciliation at the national level, a measure that would be reviewed after a two-year trial period, to ensure that it did not create further delays in the procedure. She emphasized the need to maintain a coherent interpretation of Conventions relating to freedom of association and its related principles. She would like to know whether the Office planned to explore the other measures mentioned in paragraph 43(g) of the Office report.
240. Her group 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 ILO Constitution. It was important that those discussions should enable the ILO to improve legal certainty with regard to the interpretation of Conventions, especially when it came to fundamental issues. The questions proposed in paragraph 49 required revision. Question (1), rather than asking about the number of instances of significant disagreements on major issues of interpretation, should focus on when an independent body under article 37(2) might be invoked. The Workers would appreciate an explanation of what was meant by "the existing ILO internal machinery for handling questions relating to the interpretation" in question (3). Her group had concerns related to question (4) and was strongly opposed to any measures that could affect the integrity of the current supervisory bodies. Question (5) required revision as the Constitution already made it clear what the possible alternatives to

establishing a tribunal were, notably article 37(1). With regard to question (6), she believed that the pros and cons would become clear after the other questions had been answered. The answer to question (7) also depended on the answers to the other questions, including question (8). The questions should therefore be reordered. Tripartite consultations on that issue should first examine the procedures that could be established under article 37(2) and then consider the cost of those procedures. Potential costs should neither be overestimated, nor be the primary consideration.

- 241.** With regard to the parameters of a possible tripartite exchange of views on legal certainty, the Workers believed that the Office document should focus on the necessary elements for the operation of an independent body under article 37(2), rather than on other possible solutions. It was necessary to fully explore options under articles 37(1) and (2) before considering other suggestions. The informal consultations on those issues should be held after the 336th Session of the Governing Body in order to allow time for discussion of the issues within the group.
- 242.** *The Employer spokesperson* reiterated his group's support for a staged approach to the codification of the article 26 procedure. A codification should be considered only if the clarification of the rules and practices in the guide was insufficient and if it was guaranteed that a codification would not restrict the existing flexibility of the procedure. His group appreciated the efforts to improve the article 24 procedure.
- 243.** His group supported the proposal to hold informal tripartite consultations on the issue of legal certainty in October 2019, and agreed with the content and the order of the questions set out in paragraph 49 as the basis for the consultations. It was important to address the issue in a comprehensive manner, considering all options and not limiting the discussion to article 37(2). The Office document and the related consultations should focus on consensus-based options. The Office should explore approaches to address possible disagreements regarding the interpretation of Conventions before they developed into major controversies. The ILO constituents had the primary responsibility for the functioning of the standards supervisory system. Related decisions should not be easily outsourced to a new body, as would be the case if the chosen option were article 37(2). Nevertheless, the Employers were keen to engage in discussions regarding all possible options. The Employers supported subparagraphs (d), (f) and (g) of the draft decision.
- 244.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that article 26 was a key provision of the Constitution and should be seen as the last resort procedure of the supervisory system and as superior to article 24. Such an important provision of the Constitution should be regulated and rely on Standing Orders. More detailed proposals should therefore be developed on how a greater level of legal certainty could be enjoyed in respect of the procedure. He proposed that the words "further information" should be replaced by "detailed proposals" in subparagraph (f).
- 245.** Noting that it was unnecessary and premature to refer to the specifics before the tripartite consultations had taken place, he proposed the deletion of certain references from subparagraph (g), so that it would read: "with respect to the proposal to consider further steps to ensure legal certainty, decided to hold informal consultations in October 2019 and, to facilitate that tripartite exchange of views, requested the Office to prepare a paper on article 37(2) and other consensus-based options".
- 246.** In the light of the comments made by the Worker spokesperson, he emphasized that the cost of establishing a body under article 37(2) should be considered before discussing the consequences of its establishment.

247. *Speaking on behalf of the Africa group*, a Government representative of Namibia reiterated his group's support for subparagraph (d) of the draft decision. In addition, his group supported the amendments proposed by the Government representative of Brazil to subparagraphs (f) and (g).
248. *Speaking on behalf of IMEC*, a Government representative of the United States noted that her group was in favour of a staged approach to the codification of the article 26 procedure and expressed support for subparagraph (f). IMEC welcomed the decision to modify certain aspects of the article 24 procedure on a trial basis. With regard to future steps to ensure legal certainty, IMEC found the questions proposed to be addressed in the Office's background paper for the informal consultations later in the year to be generally appropriate. The document prepared by the Office to guide the consultations must include information on costs, the anticipated workload for such a tribunal, an analysis of its limitations and possible alternatives to be explored. It was important not to pre-empt the outcome of the discussion. Information should also be included on the article 37(2) and 37(1) procedures, including regarding how article 37(1) would work if activated, the options for requesting an opinion and the procedure for obtaining a decision. Participants in the consultations should be able to assess the procedure under article 37(2) in terms of its comparative advantages over the procedure under article 37(1). Her group therefore proposed that the following words should be added at the end of subparagraph (g): "as well as the article 37(1) procedure".

3.3. **Reporting and information (paragraphs 51–55)** – **draft decision 84(d)**

249. *The Employer spokesperson* supported the measures proposed for the streamlining of reporting, particularly regarding electronic and online reporting. He welcomed the CEACR's proposed criteria for breaking its cycle of review when receiving comments from workers' or employers' organizations. It was important that observations from the social partners were used to assess compliance with technical Conventions. The CEACR's new practice of addressing in a consolidated manner the issues of application arising under various related Conventions would help avoid repetitive comments. While the Employers supported that approach in principle, they would like to highlight that the underlying reason for repetitive comments was the existence of overlapping provisions in the Conventions. The consolidation of Conventions on related subjects should therefore be considered.
250. It was unacceptable that the examination of reports received by the deadline could be deferred for reasons such as the need for translation into the ILO working languages. If more time was needed for translation, either the deadline should be extended, or the resources for translation should be increased to avoid deferral.
251. His group would like more information regarding the proposed establishment of baseline-based reporting, including the concrete benefits of such a procedure.
252. The Employers wondered how compliant practices would be established and whether any practice that had not been addressed in a comment by the CEACR would be considered to be compliant.
253. The Employers requested the Office to provide specific information more regularly to the Governing Body on information sharing and cooperation with other international organizations, particularly on the objectives and outcomes of such cooperation with regard to standards-related work. His group would also like more information relating to the implications of the reform of the UNDS for the ILO's normative and supervisory work. The Employers supported subparagraph (d).

- 254.** *The Worker spokesperson* said that her group supported greater thematic coherence in reporting but cautioned against blurring the distinct obligations of the member States under the various Conventions. More transparency with regard to the reasons for the deferral of examination of reports would increase the credibility of the work of the CEACR. The Workers would like to see an example of the model electronic article 22 baseline report and would like to know how it would be shared with the social partners and the governments for validation purposes. The Workers supported subparagraph (d).
- 255.** *Speaking on behalf of the Africa group*, a Government representative of Namibia requested the Office to provide feedback to the Governing Body at its 337th Session on the effectiveness of urgent appeals. The practice of urgent appeals must not replace the reporting obligations of member States. The CEACR must note with regret a member State's failure to submit a report in the first year. His group called upon the Office to systematically enhance technical cooperation in order to ensure the effective and timely compliance of governments with their reporting obligations. He reiterated his group's support for subparagraph (d).
- 256.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He supported subparagraph (d).
- 257.** *Speaking on behalf of IMEC*, a Government representative of the United States requested the Office to provide additional, specific information with regard to Focus Area 3 and reiterated its request for clarification of all the timelines set out in paragraph 84(d). Recalling reservations expressed about electronic reporting, her group reiterated its interest to participate in electronic reporting trials and remained willing to take an active role in ensuring that the system was fit for purpose with the expectation that there will be ample opportunities to provide feedback. Her group also advised that the pilot for article 22 baselines should be carefully considered as the initiative develops. IMEC would also like clarification regarding the government validation process for article 22 baselines and whether the process would take place each time a baseline was updated. With regard to information sharing with other international organizations, the ILO should give priority to raising awareness and understanding of its normative work throughout the UN reform process. Her group looked forward to updates in that regard.
- 258.** *A representative of the Director-General (Director, NORMES)* said that in phase 1 of pilot testing of the e-reporting system, the Office would establish a baseline report using information previously submitted by the government and the social partners, and information examined by the CEACR. The baseline report would then be transmitted to the government for validation and updating, and the social partners would be invited to provide their comments. The procedure would be followed only within a reporting year; it was not an additional reporting exercise. The pilot currently involved six member States due to report in 2019 on the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The lessons learned from the pilot phase would be presented in 2020, and any expansion of the procedure would be prepared so that it would take place from 2021. The procedure would reduce the reporting burden on all parties and facilitate the sharing and comparing of compliant practices, namely practices that had not been identified by the Committee of Experts as non-compliant.
- 259.** The Office would heed the calls for more details on information-sharing with other organizations. Increased visibility and understanding of the ILO's normative work was important in view of the coordination of UN work at the country level by resident coordinators. The Office would follow up on the request from the Africa group for technical assistance on reporting.

3.4. *Reach and implementation (paragraphs 56–70)* – *draft decision 84(d)*

260. *The Worker spokesperson* sought assurances as to how the ILO would continue to service the supervisory system even if standards-related aspects were not reflected as priorities in the UN Development Assistance Frameworks (UNDAFs), and pursue DWCPs that allowed for broader ILO activities at the country level. On the establishment of ILO country offices and development cooperation projects, the reference in the UN General Assembly resolution to UN norms and standards should ensure that the normative role of the ILO was recognized, but it would be important to see how that worked in practice. With regard to UN resident coordinators, guarantees were needed that ILO standards and the recommendations of the supervisory system would be adequately reflected in country-level priorities. It was to be hoped that systematized follow-up at the national level on recommendations of the supervisory system would lead to increased ratification rates for Conventions.
261. Her group welcomed the proposals to make better use of article 19. Possible follow-up through article 19 could be one of the criteria for the choice of instruments to be reviewed by the SRM TWG. However, the SRM TWG may consider it more appropriate to review instruments following a General Survey, thus the sequence in table 5 would not necessarily apply in all cases. It was unclear whether follow-up on the implementation of recommendations under article 19 would be in addition to the instruments selected for General Surveys. The proposal for the Office to promote denunciations in the context of follow-up to the SRM TWG was a cause of serious concern, unless those were automatic denunciations linked to the ratification of up-to-date ILO instruments. No longer using the General Survey to identify new standards, as indicated in table 5, would defeat one main purpose of the General Survey, and thus required careful consideration.
262. With respect to the annual reviews, the 2017 Conference resolution concerning the second recurrent discussion on fundamental principles and rights at work contained a commitment to assess more fully the efforts made by Members that had not yet ratified the fundamental Conventions and the Protocol, thus permitting the identification of areas for technical assistance. The Organization should therefore not focus solely on making follow-up more accessible and visible, and instead aim to increase ratification levels. She supported subparagraph (d) of the draft decision.
263. *The Employer spokesperson* said that clear recommendations from the CEACR would help governments to take appropriate remedial measures and improve compliance. A balance was needed, however, between preciseness and the inherent flexibility of provisions of the Conventions, for example allowing governments to choose the most appropriate course of action for their situation. A standardized structure and terminology for the CEACR could also help improve clarity.
264. The Employers acknowledged that the Office was piloting a strategic approach to promoting standards in ILO interventions in several countries, but stressed the need to promote a proper pre-ratification process that included full consultation with the social partners. Member States should be assisted, where necessary, in determining the extent to which ratification would meet the country's needs and priorities in labour and social policy, and countries' abilities to implement and meet their reporting obligations for a Convention should be taken into account.
265. As to the design, preparation and discussion of General Surveys and their follow-up, the Employers reiterated their support for the measures that had received tripartite consensus. The Office should focus on obtaining complete and meaningful reports from as many governments as possible and encouraging social partners to contribute. Where no information was provided by governments, the Office should attempt to obtain relevant

information from other reliable sources. Representative conclusions and assessments could be made only when complete information from member States was available, and only then could a solid basis be provided for targeted follow-up actions. In view of the wide acceptance by governments of online reporting on the annual follow-up to the Declaration on Fundamental Principles and Rights at Work, the Office should explore further measures to facilitate reporting. The Employers supported subparagraph (d).

- 266.** *Speaking on behalf of the Africa group*, a Government representative of Namibia commended member States that had submitted online reports on the follow-up to the Declaration on Fundamental Principles and Rights at Work. However, as response rates were low overall, he urged member States to honour their reporting obligations. The Africa group supported subparagraph (d).
- 267.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He emphasized the importance of clarity in the supervisory bodies' recommendations and proposed that the Government group should be included in discussions on producing more user-friendly, precise and concise comments. His group supported subparagraph (d).
- 268.** *Speaking on behalf of IMEC*, a Government representative of the United States requested clarification as to whether the Office was proposing a new report on follow-up to the recommendations of the SRM TWG in addition to that requested to generate the General Survey, noting that the 2016 Conference resolution on advancing social justice through decent work had stated that the reporting obligations of member States should not be increased.

3.5. Review by the supervisory bodies of their working methods (paragraphs 71–83) – draft decision 84(h)

- 269.** *The Employer spokesperson* highlighted that there should be an ongoing review and improvement of the working methods of the supervisory bodies, and noted that the structure of future CAS reports would be discussed in informal tripartite consultations. Efforts by the CEACR to consider proposals on improving their reports were appreciated, as was the extension of criteria to break the review cycle when comments from employers' and workers' organizations were received outside the reporting year.
- 270.** Concerning the CFA, he welcomed efforts to improve efficiency and transparency. It should be noted that representations under article 24 relating to freedom of association and collective bargaining were not automatically referred to the CFA. If referred, they should be treated by the CFA under the article 24 rules, not those of the CFA, meaning that article 24 representations referred to the CFA were considered by an ad hoc committee composed of three members of the CFA. Article 24 representations should not be assigned a case number, to maintain a distinction between them and CFA cases. The Employers supported subparagraph (h).
- 271.** *The Worker spokesperson* said that, during informal consultations, all constituents had supported the production of a verbatim report for the CAS. However, her group was against separating the conclusions from the debate, as they were brief and required the context of the related discussion to be understood. The swift response of the CEACR to the observations received from employers' and workers' organizations outside a reporting year was welcome, providing an essential safeguard for the extension of the reporting cycle.
- 272.** She welcomed the compilation of decisions of the CFA and the annual report for submission to the CAS. The Workers strongly supported the holding of a high-level event on freedom of association and collective bargaining during the Conference, which should involve an

exchange of views on enhancing ratification and implementation rates of Conventions Nos 87 and 98. She asked whether the Office had followed up on the proposal to use the Centenary year to hold regional and national conversations on promoting freedom of association and collective bargaining. The Workers' group supported subparagraph (h).

273. *Speaking on behalf of the Africa group*, a Government representative of Namibia encouraged the continued improvement of the working methods of the supervisory bodies and therefore supported subparagraph (h).

274. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He noted the concerns in relation to working methods previously raised by his group. He had no amendments to subparagraph (h); however, as it did not fully develop the ideas considered during consultations and discussions on the review of the Standards Initiative, he proposed the addition of four subparagraphs:

- (i) instructed the CFA to include in its working methods the possibility of a suspension of the consideration of the merits of a case in order to address the allegations by seeking conciliation or other measures at the national level for a period of six months, and requested the CFA to provide it with detailed information in that regard for review in March 2020;
- (j) requested the Office to present to the Governing Body detailed proposals regarding a review of the receivability criteria of CFA complaints for consideration in March 2020;
- (k) requested the Office to present to the Governing Body detailed proposals for consideration in March 2020 on bringing forward the publication of lists of cases regarding which information is requested from governments at the ILC Committee on the Application of Standards;
- (l) requested the Office to undertake inclusive tripartite consultations with a view to reviewing the working methods of the supervisory system for consideration in its October–November 2020 session.

275. Subparagraph (i) proposed a suspension of the consideration of merits of a case, in the same way as for representations under article 24, which could be introduced initially for a trial period; the aim was to strengthen national procedures and bodies and avoid overloading the CFA. Subparagraph (j) referred to a review by the Governing Body of the receivability criteria, which would provide instructions or guidance to the CFA. Subparagraph (k) aimed to give governments more time to provide information on specific cases; use of technology should also be considered to allow groups to agree on the list of cases prior to attending the Conference. Subparagraph (l) addressed the need for a more structured discussion of the working methods of the supervisory system.

276. *Speaking on behalf of IMEC*, a Government representative of the United States expressed appreciation for the supervisory bodies' review of their working methods and the resultant improved efficiency and effectiveness. IMEC supported subparagraph (h).

277. *The Worker spokesperson* recalled that the Governing Body had adopted a decision on INS/5 at its 334th Session (October–November 2018) after difficult but fruitful discussions and she had understood that constituents were ready to evaluate the implementation of the Standards Initiative rather than reopen discussions on it. Regarding proposed new subparagraph (i), the Governing Body had agreed to conduct a pilot study on the article 24 procedure, and it would not be helpful to establish a further pilot study on the CFA before the first was complete. As to (j) and (k), the compromise made by the Governing Body was to proceed on the basis of

its November 2018 decision. The intention of (I) was apparently to revisit the inclusive tripartite discussions of recent years and the agreed programme of work. It was inevitable that further improvements to the supervisory system would be needed in future, but the original draft decision reflected the route to be taken as agreed at the 334th Session of the Governing Body. The only outstanding aspect had been the potential application of article 37(2) of the Constitution in the event of major disagreement. Her group supported the original draft decision with the amendment to subparagraph (g) proposed by IMEC.

- 278.** *The Employer spokesperson* said that an ongoing review process was clearly necessary for continuous improvement, and requested time to consult with his group on the proposed new subparagraphs.
- 279.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He sought the Workers' group's views on his proposed amendments to subparagraphs (a), (f) and (g), which had been supported by the Africa group. The amendment to subparagraph (c) was a governance issue. The group of governments he represented were serious about their responsibility to ensure that the supervisory system was up to date and able to address present and future challenges in the world of work. The proposed amendments had been considered carefully and he would welcome careful consideration from the Governing Body. He recalled that countries in his group were the subject of 80 per cent of cases before the CFA.
- 280.** *A Government representative of China* said that he understood the position of the significant majority of governments from Latin America and the Caribbean, as cases had also been brought to the CFA in reference to his country. It was important to constantly work on improvements.
- 281.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group had considered the proposed amendments and supported the original draft decision with her group's amendment to subparagraph (g), on the understanding that it referred to a review of progress to date rather than an opportunity to reopen discussions on the matter. As the Office had clarified that subparagraph (d) referred to the approach already approved, her group could endorse it.
- 282.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He stressed that he was not suggesting that any previously agreed decisions should be reopened, but that the Governing Body should discuss how to improve the system in the future and address the long-standing concerns raised by his group at sessions of the Governing Body and the CAS.
- 283.** *The Worker spokesperson* clarified that the only amendment accepted by the Workers' group was IMEC's proposed amendment to subparagraph (g). Her group took the concerns of the other groups seriously. The concerns about the working methods of the supervisory system had been addressed in bipartite agreements between the Employers' and Workers' groups in 2015 and 2017 and in all tripartite discussions; decisions on the Standards Initiative had been made on the basis of extensive tripartite consultations since 2012, with agreements in 2015, 2017 and 2018. It was time to move forward on the basis of those agreements.
- 284.** *The Employer spokesperson* expressed his group's desire to complete the discussion at the current session, but requested time to consider the proposed amendments.
- 285.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that the Governing Body could not endlessly pursue perfection. After some time for reflection, the groups should find consensus.

- 286.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that countries in his region had engaged in efforts to strengthen the supervisory system and contributed consistently to the SRM. The amendment to the draft decision that they had presented the previous week sought to further improve the system, which played a fundamental role in the world of work. While progress had been made, there was always room for further improvement, in particular with regard to working methods of the supervisory bodies, and some important topics deserved further consideration. In that light, he put forward a set of revised amendments that did not ask the Governing Body to make any definitive decisions but, instead, requested that the working methods of the supervisory system be put on the agendas of the independent bodies so that they could review the proposals. The revised amendments also called for further discussion on certain topics.
- 287.** He proposed replacing the words “took note of progress” in subparagraph (a) of the draft decision with the words “welcomed the efforts of all constituents and the Office towards the progress” and ending the subparagraph after the words “supervisory system”, as the reference to consensual tripartite decisions was superfluous. Taking account of views expressed, he proposed replacing the word “welcomed” with the word “recognized”, rather than “noted” in subparagraph (c). He further proposed adding the words “and confirmed in its 337th Session” to the end of the subparagraph. The workplan should be carefully considered and an agenda of discussions established for further progress as the workplan embodied an ongoing process, not a one-time decision.
- 288.** The document referred to a special session of the Committee of Experts to which the Employer and Worker Vice-Chairpersons of the Conference Committee on the Application of Standards were invited. Since there was no voice from the Government bench at that session and since governments would ultimately be responsible for implementing the recommendations of the supervisory bodies, arrangements should be made for their participation.
- 289.** In respect of subparagraph (e), he proposed further amending the words following the date “2019” to read “and also invited the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to welcome the Chairperson of the Government group and the Vice-Chairpersons of the Committee on the Application of Standards to the CEACR’s special sittings of 2019 and 2020”. In subparagraph (f), the words “further information” should be replaced by the words “further proposals”, rather than the “detailed proposals” previously suggested. In subparagraph (g), he withdrew the first part of his earlier proposed amendment but continued to request the deletion of the words “of any”.
- 290.** He proposed adding new subparagraphs (i) and (j), which would address the working methods of the CFA and the CAS. Again, the Governing Body would not make any substantive decisions but would call on those bodies to review certain aspects of their working methods and leave the door open for future discussion. Proposed new subparagraph (i) would read: “(i) encouraged further progress of the subcommittee on working methods of the CFA, including through the consideration of receivability criteria and other possible measures in order to address the allegations of complaints at the national level”.
- 291.** Proposed new subparagraph (j) would include more options in the consultations on the working methods of the CAS, as his region had requested on a number of previous occasions, and would read: “(j) invited the informal consultations on the CAS working methods to consider information and technical options, to be prepared by the Office, on the possibility of anticipating the publication of the definitive and the preliminary lists of cases regarding which information is requested from governments at the ILC Committee on the Application of Standards.”

292. He recalled that, at the previous session of the Conference, the governments he represented had indicated that they did not agree with the working methods adopted by the CAS. Therefore, he requested the Governing Body to take account of that statement and the concerns that had been raised. It was important to strengthen the supervisory system to ensure that it was prepared to face the transformations, opportunities and challenges of the world of work.
293. *The Worker spokesperson* said that while she appreciated the commitment of governments in Latin America and the Caribbean to strengthening the supervisory system, she preferred the original text of the draft decision. However, she would be prepared to accept the inclusion, proposed by IMEC, of the words “as well as the article 37(1) procedure” at the end of subparagraph (g) if there was consensus. Furthermore, since her group wished to prepare for the proposed informal consultations during the 337th Session of the Governing Body, she reiterated her request to change the date of those consultations to late January 2020.
294. *The Employer spokesperson* said that although he wanted his previous comments with regard to subparagraph (e) to remain on the record, he would be prepared to support the adoption of the subparagraph as amended. With regard to subparagraph (g), he agreed with the change of date of the proposed informal consultations to January and supported the amendment proposed by IMEC. Having reflected and consulted on a number of other matters, his group agreed that work should be ongoing and would prefer not to further amend the draft decision for the time being. The Employers would work with GRULAC to ensure that the necessary improvements would be made as the need for them arose.
295. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that he supported the amendments proposed by the significant majority of governments from Latin America and the Caribbean to subparagraphs (a), (b), (c), (f) and (g), and the original text of subparagraphs (d) and (e). With regard to proposed new subparagraphs (i) and (j), the consideration of receivability criteria and other possible measures to address the allegation of complaints at the national level, as well as the advance publication of cases, were matters that should be addressed in the context of subparagraph (h). The CAS, Committee of Experts and the CFA should continue to explore new proposals in order to improve their working methods. The Africa group supported the text of subparagraph (h) as drafted by the Office.
296. *Speaking on behalf of ASPAG*, a Government representative of Australia said that since the Standards Initiative was complex, it was crucial to maintain momentum by following the steps set out in the agreed workplan. It was also important to ensure that the Governing Body had sufficient time to consider any new proposals for substantive reform before they were discussed.
297. *Speaking on behalf of IMEC*, a Government representative of Canada reiterated her group’s support for the original draft decision, with the small amendment to subparagraph (g) that she had previously proposed. IMEC supported the workplan as previously decided upon by the Governing Body and was reluctant to introduce new proposals without having fully considered their merits and implications. Several of the new proposals concerned matters that could be, and in some cases already were being, discussed in the context of the supervisory bodies’ informal review of their working methods. As highlighted in subparagraph (h) of the draft decision, IMEC would encourage the CAS, the CEACR and the CFA to continue their regular consideration of their working methods, taking into account the views and concerns expressed by all tripartite constituents. Understanding that views differed on the level of progress achieved under the Standards Initiative, IMEC would be open to accepting the amendments proposed to subparagraph (a) by the significant majority of governments from Latin America and the Caribbean, as well as their proposal to replace the word “welcomed” with the word “recognized” in subparagraph (c). With regard

to the timing of the informal consultations on the operation of article 37(2), IMEC was willing to be flexible about the date.

- 298.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that he valued the support of the Africa group and urged the Office to consider the views of both regions, given that both regions were under the constant purview of the supervisory mechanisms. Furthermore, he highlighted that the workplan contained in Appendix II of the document ended in March 2019, noting that there appeared to be no agreed workplan for the future. He proposed that the Governing Body should review the workplan in November once it had been revised by the Office. He took account of the views expressed by the Workers' and Employers' groups and said that he had no issue with adjusting the date for informal consultations in subparagraph (g); he also accepted the IMEC proposal to include a reference to the article 37(1) procedure in subparagraph (g). He requested further information on whether the Office intended to put the ideas relating to working methods contained in proposed new subparagraphs (i) and (j) to the CFA and the CAS.
- 299.** *The Worker spokesperson*, drawing attention to subparagraphs (c) and (g) of the draft decision and the workplan contained in Appendix II of the document, said that the Standards Initiative required the Governing Body to conduct an evaluation in March 2019, whereas the Governing Body was proposing to hold that consultation at the end of 2019 or in January 2020. There seemed to be consensus in the Governing Body to build on the progress made so far. In the spirit of compromise, the Workers would join IMEC in accepting the amendment to subparagraph (a).
- 300.** *A representative of the Director-General* (Director, NORMES) said that the workplan was designed to provide a visual representation of work completed to date. A new workplan would be developed on the basis of the decisions taken by the Governing Body and its implementation would continue, in line with subparagraph (c) of the draft decision. Under the workplan, discussions on working methods were ongoing in all three of the supervisory bodies, and would continue. The Office had informed the supervisory bodies of the Governing Body's guidance, and would continue to do so; the supervisory bodies took action on the basis of that guidance, which was also taken into consideration in the discussions on working methods.
- 301.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that he concurred with the comments made by the Worker spokesperson and supported the amendment proposed by IMEC to the draft decision.
- 302.** *The Employer spokesperson* expressed support for the amendment proposed to subparagraph (a) by the significant majority of governments from Latin America and the Caribbean.
- 303.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that those governments would support the draft decision with its proposed amendment to subparagraph (a) and the amendment proposed by IMEC to subparagraph (g), with a view to reaching consensus and continuing a constructive dialogue. His region was engaged with the supervisory system and committed to continuing to examine proposals under the Standards Initiative and discuss working methods. The supervisory system was important and needed to be modernized.

Decision

304. *The Governing Body:*

- (a) *welcomed the efforts of all constituents and the Office towards the progress reported on the implementation of the two components of the Standards Initiative, namely the Standards Review Mechanism (SRM) and the workplan to strengthen the supervisory system;*
- (b) *with respect to the component concerning the SRM, noted the information provided on the lessons learned and future directions; requested the Standards Review Mechanism Tripartite Working Group (SRM TWG) to take its guidance into account in continuing its work and to provide a report for the Governing Body's second review of the functioning of the SRM TWG in March 2020; and, to guarantee the impact of that work, reiterated its call to the Organization and its tripartite constituents to take appropriate measures to follow up on all its previous recommendations;*
- (c) *having reviewed, against the common principles guiding the strengthening of the supervisory system, the report on progress in implementing the ten proposals of the workplan, welcomed the progress achieved so far and requested the Office to continue the implementation of the workplan which should be updated according to its guidance;*
- (d) *approving the approach taken and the timelines proposed, requested the Office to ensure that action was taken with respect to producing the guide on established practices across the supervisory system, the operation of the article 24 procedure, the streamlining of reporting, information sharing with other organizations, the formulation of clear recommendations of the supervisory bodies, pursuing systematized follow-up at the national level and consideration of the potential of article 19, paragraphs 5(e) and 6(d);*
- (e) *with respect to the proposal for a regular conversation between the supervisory bodies, invited the Chairperson of the Committee on Freedom of Association (CFA) to present its annual report to the Conference Committee on the Application of Standards (CAS) as from 2019;*
- (f) *with respect to the proposal for codification of the article 26 procedure, recalled the decision to consider the steps to be taken after the guide to the supervisory system was available to constituents, and requested the Office to provide it with further information in that regard in March 2020;*
- (g) *with respect to the proposal to consider further steps to ensure legal certainty, decided to hold informal consultations in January 2020 and, to facilitate that tripartite exchange of views, requested the Office to prepare a paper on the elements and conditions for the operation of an independent body under article 37(2) and of any other consensus-based options, as well as the article 37(1) procedure; and*

(h) with respect to the proposal for review by the supervisory bodies of their working methods, invited the CAS, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the CFA to continue their regular consideration of their working methods.

(GB.335/INS/5, paragraph 84, as amended by the Governing Body)

Sixth item on the agenda

Progress report on the implementation of the Enterprises Initiative

([GB.335/INS/6\(Rev.\)](#))

- 305.** *The Employer spokesperson* recalled that SDG 17 recognized the essential role of the private sector in the implementation of the 2030 Agenda and the need for partnerships with the sector. His group fully supported the Office's assessment that engagement with enterprises would enhance the scale, impact and sustainability of its work. Engaging with enterprises of all sizes and in all regions afforded the Office a better insight into the challenges they faced, which would help it to develop more practical approaches to problem-solving. He applauded the diverse nature of the ILO's engagement with enterprises, including through the business networks and programmes described in the document. Working with groups of companies was highly valuable, as collaboration across the private sector often helped enterprises to face systemic challenges requiring comprehensive resources and would result in useful benefits to the ILO and those it served. He also applauded the Office's engagement in 133 public-private partnerships (PPPs).
- 306.** However, the Enterprises Initiative must be more than just a process. The ILO and enterprises should take steps to leverage the value of their engagement, and the Initiative must reflect a coherent and purposeful approach. Companies had suggested that the processes for engaging with the ILO should be quicker and less bureaucratic; the clearance process for PPPs should take 30 days. Undue levels of ILO bureaucracy could prompt enterprises to engage instead with peers or in other initiatives. The Office should establish a clear process with appropriate deadlines to protect its reputation as a reliable partner and to grant companies a reasonable level of predictability and certainty.
- 307.** With regard to the Common Approach to Due Diligence for Private Sector Partnerships, which was highly relevant to the Enterprises Initiative, it was illogical that the inter-agency task team had not consulted with the private sector in its work. Furthermore, some of the provisions in the outcome document were questionable, such as the exclusionary criteria and the role given to the UN Global Compact. The Governing Body should receive a full update on the Common Approach and then decide on its application to the ILO.
- 308.** Despite the acknowledged importance of the Enabling Environment for Sustainable Enterprises (EASE) programme, it had not been expanded, as decided at the 104th Session (2015) of the International Labour Conference and confirmed at the 2017 Meeting of Experts on Decent Work in Export Processing Zones, and was instead still in a review process. The Office should scale up EASE and roll it out in further countries without delay.
- 309.** As productivity was key to decent work and the discussions on the future of work, the ILO should have a clear focus on productivity, informed by engagement with companies and highly productive countries in a holistic approach.

- 310.** The Office should improve its consultation and engagement with the IOE and the relevant employers' organizations on projects for and with the private sector, as such engagement was critical to the projects' success. The role of ACT/EMP as the entry point for the Office's engagement with the private sector should be fully respected. For example, employers' organizations had not been consulted on the inter-agency partnerships announced in paragraph 34 of the document. Furthermore, the Global Deal partnership had been designed without the involvement of organizations representing the social partners. As a consequence, it did not adequately frame the role of employers' representatives, respect the diversity of social dialogue systems and cultures or have any added value over existing initiatives. Since the Global Deal had not been mentioned in the recurrent discussions on social dialogue and fundamental principles and rights at work, it was unclear why the Office had decided to expend resources on the initiative without a mandate from constituents.
- 311.** As the success of the private sector would be essential to the success of the ILO's agenda, future programme and budget frameworks should prioritize smarter, more robust engagement with the private sector. The Employers' group applauded the work done in the scope of the Enterprises Initiative, which would prove increasingly relevant in the ILO's second century. His group supported the draft decision.
- 312.** *The Worker spokesperson* recalled that, when the strategy for wider ILO engagement with the private sector was adopted at the 321st Session (June 2014) of the Governing Body, her group had welcomed it, provided that it was based on ILO values and principles, in particular international labour standards, trade union rights and tripartism. Her group had also called for the Enterprises Initiative to encourage the building and consolidation of mature industrial relations with participating companies, indicated that the ILO should not engage with enterprises in which trade union rights were violated, and declared its desire to be involved in the process of engaging with enterprises.
- 313.** The Office had made significant efforts to reach out to the private sector, as evidenced by the large list of actions in the document. She asked how that outreach had influenced the implementation of and compliance with labour standards and whether enterprises' behaviours and practices in relation to decent work had improved. Engagement with the private sector should be aligned with ILO instruments such as the ILO Declaration on Social Justice for a Fair Globalization and the conclusions concerning the promotion of sustainable enterprises adopted at the 96th Session (2007) of the International Labour Conference.
- 314.** As tripartism was a core principle of the Enterprises Initiative, she would have liked to have seen more information in the document on international labour standards, as well as the inclusion of social dialogue, freedom of association and collective bargaining. There had apparently been limited involvement of workers' organizations in activities under the Enterprises Initiative; in the future, ACTRAV should be consulted at every step of the process and the Workers' group secretariat should be directly involved in the consultations.
- 315.** Her group appreciated its involvement in the Sustaining Competitive and Responsible Enterprises (SCORE) programme and recognized that progress had been made in several areas. Sound industrial relations must be ensured in all SCORE interventions. Respect for fundamental principles and rights at work was a key condition, and a mechanism should be established to exclude enterprises engaging in anti-union practices.
- 316.** As tripartism represented the ILO's greatest added value, the section of the document on global business networks could highlight how those networks were related to workers' networks and issues relevant to workers, such as decent work and industrial relations.
- 317.** The Workers' group had repeatedly raised concerns about the EESE methodology and the limited involvement of workers' representatives in the programme. She requested the Office

to review the EESE programme in 2019 with the full involvement of both social partners, as agreed in the conclusions concerning small and medium-sized enterprises (SMEs) and decent and productive employment creation, adopted at the 104th Session (2015) of the International Labour Conference.

- 318.** As her group had concerns surrounding the ILO Social Finance Programme, she requested clarification as to whether private sector actors had endorsed the ILO PPP requirements; whether the projects included a due diligence procedure; whether checks to demonstrate the added value of actions had been contemplated; and whether they helped to foster social dialogue in the implementation process. In terms of results assessment, she asked whether the jobs created were decent and sustainable; whether the projects contributed to the creation of local, sustainable enterprises; and whether the projects were aligned with national development plans.
- 319.** She welcomed the work done on the MNE Declaration, which should be promoted further to enable the continued creation of national focal points and to raise awareness of its potential among social partners. Her group supported the draft decision.
- 320.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho noted that, although the ILO was still in the early stages of implementing the Enterprises Initiative, there had been broad engagement with enterprises, which went a long way towards helping address the challenges of decent work. The Initiative was clearly a two-way learning process. The critical role played by programmes such as the Better Work Programme and SCORE in the implementation of the Initiative was appreciated. Taking into account those programmes, the global business networks that had been established and the Office's engagement with SMEs and cooperatives, the Initiative would surely lead to improved working conditions and sustainable productivity.
- 321.** Efforts such as the Global Apprenticeship Network might contribute to reducing youth unemployment, which remained a challenge in Africa. Efforts to develop disability inclusion principles for business were also noted. The Director-General should continue to engage with enterprises outside the formal business networks. While her group welcomed the development of the ILO Register of Enterprises, it remained unclear how governments would benefit from it. Insufficient information was provided on challenges encountered in implementing the Initiative; it was important to highlight these in order for the Governing Body to give proper guidance.
- 322.** Recalling that the Director-General had been called on in the past to facilitate the involvement of constituents in the implementation of the Centenary Initiatives, she noted that governments' involvement in the Enterprises Initiative had thus far been minimal. She also recalled that her group had previously been assured that governments' interest in the implementation of the Initiative would be kept in mind. The Office had to ensure that the tripartite nature of the ILO was upheld and that the role of governments in the implementation of the Initiative was made clear. Taking account of those concerns, the Africa group supported the draft decision.
- 323.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that IMEC had consistently supported wider engagement with the private sector. While recognizing that the Initiative was an ongoing process, IMEC would welcome further analysis of any implementation challenges – including difficulties in engaging with SMEs – and proposals to address those issues. IMEC would also welcome the provision of indicators, including information on the Office's response time in engaging with proposals or requests from the private sector and an assessment of feedback from enterprises seeking to engage with the ILO.

- 324.** IMEC strongly encouraged the Office to clearly define how governments could actively engage with the Enterprises Initiative. Governments did not yet have access to the ILO Register of Enterprises, for example, which should be made available to all constituents. Governments could potentially leverage a multitude of national forums, but only if the Initiative was truly operating on a tripartite basis.
- 325.** In order to fully realize its objectives, the Initiative should deliver a process that was clear, rapid and pragmatic for enterprises and provide the Office with sufficient flexibility to be responsive to their needs. It could be a real step change to respond to key areas of unmet demand and engage with enterprises on a qualitatively different basis.
- 326.** The ILO should take a more visible and substantive role in its engagement with the private sector. The momentum generated by the Enterprises Initiative, as well as progress made through other Centenary Initiatives, must be maintained beyond the Organization's Centenary. The Office should provide guidance on how the programme of work undertaken through the Enterprises Initiative would be advanced.
- 327.** Lastly, he underlined the synergies between the Enterprises Initiative and innovative finance, and emphasized the need for the Organization to deepen, expand and diversify its partnerships and harness that cooperation to support the achievement of decent work. IMEC supported the draft decision.
- 328.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the following countries aligned themselves with the statement: North Macedonia, Montenegro, Serbia, Albania and Georgia. The EU and its Member States supported the statement made by IMEC. The Enterprises Initiative was particularly important in the implementation of the 2030 Agenda and the Paris Agreement on Climate Change and in ensuring global policy coherence in respect of established intergovernmental initiatives that provided guidance to businesses. The private sector was fundamental to the creation of decent jobs, inclusive economic growth, the transition to a green economy and the empowerment of women and young people, and a pivotal partner with regard to the challenges and opportunities of technological development, climate change, demographic shifts and globalization. The ILO should therefore build strong synergies and ensure that there was a framework to engage with enterprises of all sizes, in all regions and across all its strategic objectives.
- 329.** He congratulated the Office for its engagement in the networks and programmes mentioned in the progress report and for developing various international partnership initiatives. The EU and its Member States were pleased to support those efforts and cooperate in their development, particularly in the areas of occupational safety and health, gender equality, social dialogue, global supply chains and responsible business conduct.
- 330.** He requested a critical assessment of the achievement of the strategic objectives of the Initiative, in particular: whether it had delivered a process that was clear, rapid and pragmatic for enterprises engaging with the ILO; whether the Initiative had sufficient flexibility to be responsive to the needs of enterprises; and whether the Office was satisfied that the Initiative provided a platform for the ILO to fully realize its potential to engage with the private sector.
- 331.** Particular attention should be given to capacity-building and entrepreneurship programmes, to initiatives in the field of social finance and to the focal points and facilitators under the MNE Declaration. The ILO should take on a more visible and substantive role in its engagement with the private sector and continue exploring different avenues, with a view to delivering a more integrated approach. He expressed support for the draft decision.

332. *A Government representative of Switzerland* said that her country aligned itself with the statement of IMEC and supported the ILO's commitment to closer cooperation with the private sector. Noting with satisfaction the project evaluations that had shown that cooperation with the private sector increased impact and sustainability, she pledged her Government's continued support for the ILO in its implementation of the SCORE and Better Work programmes and praised its efforts to promote a systemic approach to work in global value chains. Switzerland would continue to support the ILO in promoting the ILO Global Business Network on Forced Labour, and she encouraged the Office to disseminate more information to member States and relevant associations on the network and on the activities of Alliance 8.7. Her Government supported the draft decision.
333. *A Government representative of Uruguay* said that her country valued highly ILO initiatives in engaging with enterprises, given their vital contribution to meeting the goals of the 2030 Agenda by promoting economic growth, employment, investment, training and well-being. The private sector played a crucial role in creating decent work, and her Government therefore welcomed the results obtained through the ILO's various engagement activities, particularly in Latin America and the Caribbean, which addressed issues such as child labour and gender equality. As in many countries, most enterprises in Uruguay were small and medium-sized; the role of the ILO was therefore very useful in providing information for businesses and the Government and involving them in initiatives to improve employment quality. Tripartite consideration of the contribution of women to the world of work was needed, along with the dissemination of good business practices to reduce pay gaps, eliminate discrimination and prevent harassment in the workplace. Her Government supported the draft decision.
334. *Speaking on behalf of the Governments of Belgium, France and Sweden*, a Government representative of France welcomed the document's reference to the Global Deal partnership, which was headquartered at the offices of the OECD in Paris. The partnership aimed to respond to challenges in the world of work and promote globalization that was fair, sustainable and for the benefit of all through social dialogue and engaging enterprises in an open exchange with all stakeholders, thus contributing to SDG 8 on decent work and inclusive growth. The partnership worked closely with the ILO and with its 100 partners, which included governments and employers', workers' and business organizations.
335. *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the Enterprises Initiative was an all-encompassing, complex undertaking, involving all parts of the ILO and aimed at all enterprises, from multinationals to micro-enterprises. Enterprises played an important role in furthering the work of the ILO, and all constituents would be involved in improving engagement with them.
336. The information recorded in the newly established register of enterprises engaging with the ILO would be made available, and staff would be encouraged to use it to record all engagements with enterprises to allow for analysis of the ILO's work with them. The Enterprises Department would follow up, by means of internal consultations, on how PPP approval processes could be accelerated. The common approach was taken into consideration regularly to ensure that the ILO's position was conveyed to stakeholders where necessary. The EESE programme was an important tool, which the Enterprises Department would continue to review in order to define a platform from which to scale up the work already under way. The Enterprises Department took productivity very seriously and would explore how best to address the topic. The Department would also address the demands for increased in-depth consultation with the social partners on cross-cutting programmes.
337. Feedback on the analysis of its work on social finance would be provided. All of its private-sector engagement initiatives were underpinned by ILO standards and the promotion of decent work, even if there was no specific reference to them. Consultations on

engagement with workers and governments would take place to identify appropriate opportunities for their involvement. The data recorded in the new register would contribute to the analysis of challenges and barriers in that regard, providing more accurate information to assist future proposals. It was also necessary to examine how engagement with the private sector could be improved and leveraged. Although the Enterprises Initiative was due to conclude at the end of 2019, the Enterprises Department stood ready to increase its efforts in the area, building on the platform that the initiative had created.

- 338.** Turning to the question of whether the Enterprises Initiative provided a clear process for engaging with enterprises, he said that the Initiative included a number of processes in several areas, including global networks and interaction with small businesses. The Enterprises Department must work with the social partners to increase flexibility by harnessing its proactivity and creativity. Engagement with the private sector had improved year-on-year, although there remained room for improvement.

Decision

- 339.** *The Governing Body requested the Director-General to continue improving ILO engagement with the private sector, taking into account the guidance provided by the Governing Body.*

(GB.335/INS/6(Rev.), paragraph 43)

Seventh item on the agenda

Standing orders for tripartite meetings:

Introductory note

([GB.335/INS/7](#))

- 340.** *The Employer spokesperson* said that the introductory note provided useful information about the purpose of technical meetings and meetings of experts and made it clear that balanced tripartism and efficiency must be preserved in all cases. The note could have included an explanation of the new provisions of the Standing Orders whereby Workers' and Employers' groups nominated advisers rather than observers for meetings of experts. Recalling that the IOE was the only organization acting as the secretariat for the Employers' group at all ILO meetings, he said that the words "relevant sectoral international employers' and workers' organizations" in paragraph 16 should be replaced by "relevant sectoral international workers' organizations" and the word "respectively" moved after that phrase. Although article 9 of the Standing Orders stipulated that members of the secretariat of the Employers' and Workers' groups may intervene in the debates, the role of the secretariats must not overshadow or replace that of the group spokespersons. Any such interventions should be limited to points of clarification. Otherwise, that question would have to be addressed in March 2022 when the implementation of the Standing Orders would be reviewed. The Employers supported the draft decision contained in paragraph 4.
- 341.** *The Worker spokesperson* said that she agreed with the change suggested by the Employers' group and supported the draft decision.
- 342.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that the Eastern European group, the Africa group and ASPAG aligned themselves with his statement. Recalling the significant tripartite effort that had contributed to the adoption of the Standing Orders, which represented an outcome framed by consensus, he noted that the Standing

Orders did not apply to symposia, seminars, workshops and similar meetings not convened by the Governing Body, which also included informal consultations between the Office and constituents. In that regard, while his group greatly appreciated the Office's efforts to convene informal tripartite consultations on violence and harassment at work in advance of the standard-setting discussions on that topic at the 108th Session (2019) of the International Labour Conference, the configuration of those consultations had been unsatisfactory, as government representation had been limited. Those informal consultations had been configured as if they were meetings of experts and, as such, government representation had been limited to four governments from each region. However, informal consultations were not subject to the Standing Orders and those rules must not be applied to such meetings. IMEC was concerned that arbitrary limitations were being applied to informal consultations, thus undermining their legitimacy and transparency.

343. Noting that the active engagement of governments in formal and informal consultations was an indication of a dynamic and vibrant tripartite community and a consistent and sustainable forum for social dialogue, he said that the participation rights set out in paragraph 11(a) of the introductory note had to be fully respected by all participants in formal and informal meetings and promoted by the Office in its role as secretariat. He recalled that there had been some issues surrounding those rights at the recent Tripartite Meeting of Experts on Cross-border Social Dialogue. IMEC could support the draft decision, subject to the Office clarifying the issues raised in relation to the application of rules to informal meetings that were outside the scope of the Standing Orders.
344. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that informal consultations should involve the broad participation of all interested governments. When drafting the reports and draft outcome documents mentioned in paragraphs 17 and 19 of the introductory note, the Office should consult governments and the regional coordinators. He recalled that the question of participation in technical meetings and meetings of experts could be discussed again following the trial period that had been agreed upon at the previous session.
345. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office would include the amendment to paragraph 16 of the introductory note as requested by the Employer spokesperson. Responding to IMEC's comments, he confirmed that the Standing Orders did not apply to symposia, seminars, workshops and similar meetings not convened by the Governing Body, including all forms of consultations. They did, however, apply to all technical meetings and meetings of experts convened by the Governing Body. The Standing Orders would be reviewed after three years and the issues raised would be taken into account during the review.

Decision

346. *The Governing Body decided:*

- (a) *to adopt the introductory note contained in the appendix to document GB.335/INS/7, as corrected during the discussion, to be published together with the Standing Orders for technical meetings and the Standing Orders for meetings of experts adopted at its 334th Session (October–November 2018); and*
- (b) *to remove Annex VIII from the Compendium of rules applicable to the Governing Body of the International Labour Office.*

(GB.335/INS/7, paragraph 4)

Eighth item on the agenda

Report of the 19th American Regional Meeting

(Panama City, 2–5 October 2018)

([GB.335/INS/8](#))

347. *The Employer spokesperson* welcomed the content of the Panama Declaration for the ILO Centenary, which, as recognized by the Office, would be a valuable contribution to the outcome document of the Centenary Session of the International Labour Conference. He highlighted the particular relevance of paragraph 4 of its preamble, as recent years had demonstrated that, without sustained growth, social progress might stall or even be reversed. Therefore, investment and sustainable economic growth were essential for generating decent and productive employment, and for reducing inequalities. In Part II of the Declaration, 17 policy priorities for the Office were listed. Of particular importance to the Employers was the need to promote synergies between education, vocational training and the world of work to match present and future labour supply and demand; moreover, workforce development policies must be aligned with policies on productive development and attracting investment. In Part III, the lines of action for the future should be implemented and followed up as soon as possible with determined action from the Office and the involvement of the social partners.
348. He called on the Office and the Regional Office for Latin America and the Caribbean to prepare a report on the implementation of the Panama Declaration and on progress in and expansion of the actions agreed with respect to productive development some three years prior. In particular, the Office should conduct an in-depth analysis of systemic challenges in economies in the region; develop a programme to encourage agreements for productive development in each country of the Americas needing them, identifying the institutional elements and factors necessary for their design and implementation; and strengthen internal staff capacity of the Regional Office in the short term, through a regional post to develop new collaboration partnerships with key institutions with expertise in productive development.
349. To foster sustainable enterprises, the meeting had proposed that the Office should promote programmes to encourage enabling environments for business development and present its achievements so as to compare different projects implemented in different countries; employers' organizations should be encouraged to take leadership of those projects where possible, in particular in the design of proposed reforms to business regulations. It had also proposed that the main challenges faced by countries in the region in the promotion of enabling environments should be identified as well as the progress made in recent years by the Office through technical assistance in the design of public policies for sustainable enterprises.
350. Concerning the transition from the informal to the formal economy, the Employers requested a critical examination, from a results-based perspective, of the different programmes and actions implemented by governments and the ILO. They also proposed that in-depth empirical studies should be conducted to discover why people entered and remained in the informal economy, with data disaggregated by sector to show the productivity and profitability of those economic units and their correlation with informality. The Office was requested to provide technical assistance to governments in the design of results-based public policies to support the transition to the formal economy. The Office was also requested to map existing skills and those demanded by the labour market and employers currently and in the coming decade and to present the findings by November 2019. He requested the Office to make a clear distinction between publications containing ILO policy recommendations and those based on empirical research or containing recommendations

made by individual researchers to avoid any potential confusion between the two. The Employers trusted that the Office would address the group's proposals reflected in paragraph 42 of the meeting report and stood ready to support the ILO to ensure full and timely implementation.

- 351.** Regarding the operation of the Credentials Committee, the Employers' group was particularly concerned about the number of incomplete and non-accredited delegations, the number and content of complaints and objections submitted, and the significant gender imbalance among delegates. Governments must intensify their efforts to ensure that Employers' and Workers' representatives were accredited to attend ILO meetings in future, and all constituents should take steps to significantly improve women's participation in delegations.
- 352.** As to the report of the meeting, he highlighted the content of paragraphs 164–166, which should be taken into consideration, also in connection with the Centenary. He reiterated the need to address, as a number of governments in the region had done, apparent discrepancies in consultations with indigenous communities with various UN organizations and other regional integration organizations; the ILO should designate a regional specialist for indigenous peoples to strengthen its technical and operational capacity and maintain its leadership in that area. He requested the Office to amend the reference to employers in paragraph 237, and to reflect the closing statement of the Employer Vice-Chairperson in paragraphs 261–263 in more detail, as it was important to the Declaration.
- 353.** As to the organization of the meeting, the Employers' group wished to place on record that the parallel events and information sessions had proved particularly difficult to arrange. The number of those sessions should be reduced and the topics covered should be agreed through tripartite discussions at the regional level, facilitated by the Office. His group supported the draft decision, on the understanding that the Office would ensure that the text of the Declaration was made available to all three groups of constituents.
- 354.** *The Worker spokesperson* said that the 19th American Regional Meeting had recognized that the debate on the future of work in the Americas was complex and wide-ranging, and was affected by a high-debt burden and economic contraction that was worsened by climate change. It had also acknowledged the challenges facing the region and the impact of the fourth industrial revolution. The Declaration was therefore timely in forecasting that a better future of work was possible; it called for the ILO's assistance in: ensuring strict adherence to the principles of freedom, democracy and social justice, the rule of law and respect for human and labour rights; contributing to strengthening democratic institutions in formal and informal economies, and in preventing and combating corruption; and enhancing social dialogue. The call for capacity-building was consistent with her group's views. Given the labour migration challenges facing the region, her group was pleased that the Declaration called for ILO assistance in ensuring the timely implementation of the labour-related aspects of the Global Compact for Safe, Orderly and Regular Migration.
- 355.** The Workers' group welcomed the inclusion in the outcome document of the conclusions of the four thematic sessions, particularly the importance of prioritizing care work and investing in public services to close the gender pay gap. The Declaration also recognized the critical need to prioritize policies to prevent violence and harassment in the world of work; it was therefore to be hoped that constituents of the Americas would support the proposed Convention and Recommendation at the 2019 session of the International Labour Conference.
- 356.** Her group expressed satisfaction that the Declaration recognized that child labour could only be eliminated by addressing deficits in decent work for adults and providing quality education for children. The Workers' group strongly supported the ILO's call for national

tripartite constituents to appoint focal points to promote the MNE Declaration, although it was unfortunate that there had been significant reluctance to include a reference to it in the final text of the Panama Declaration. The Governing Body would recall its decision that ILO member States and tripartite constituents should lend their full support to promoting the MNE Declaration at the global, regional and country levels. Her group was satisfied at the general agreement among the tripartite constituents on how the obstacles facing the region could be addressed; however, social dialogue must truly become an established practice. She reiterated the Declaration's call for the Office to provide technical assistance to constituents in implementing the commitments made for the next four years.

357. Noting the low number of young people at the meeting, she reiterated the need to establish intergenerational dialogue and ensure the active participation of young people in decision-making processes for the achievement of all of the ILO's objectives, especially as the issues being addressed had a deep impact on present and future generations. While progress towards gender parity in delegations had been made, it remained slow, and her group recognized the need to address its own shortcomings in that regard. The Centenary Session of the Conference should sound a clarion call for all member States and social partners in the Americas to redouble efforts to ensure balanced participation including women and young people at that session and beyond. Her group supported the draft decision.

358. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. Those governments welcomed the success of the meeting and the efforts of all tripartite constituents in reaching consensus on the Panama Declaration. The Report of the Director-General, *Preparing the future of work we want in the Americas through social dialogue* had served as an excellent basis for discussion. He welcomed the efforts made by the drafting group on the Panama Declaration. He recalled the observations of the Government group of the 19th American Regional Meeting on the meeting's composition and the participation of governments, and reiterated the Governments' desire to contribute effectively to all ILO meetings. He praised participants' contribution to discussions on the future of work and supported the policy priorities set out in the Declaration to be developed in national and local contexts. He encouraged future American regional meetings to continue to advance social dialogue and the pursuit of decent work for all.

359. He said that the tripartite delegates at the meeting had welcomed the Report of the Director-General, which had provided a basis for deliberations on matters of common concern. He reiterated that the ILO must adapt to the modern challenges in the world of work through international cooperation, innovative partnerships and social dialogue. He welcomed the tripartite efforts that had led to the adoption of the Panama Declaration. He therefore urged the Office to strengthen its internal capacities to promote the policies prioritized in the Declaration, provide assistance on the ground to the tripartite constituents, and draw up and make available a plan for key activities in the region. The Panama Declaration was the only outcome document of an ILO regional meeting dedicated to the Centenary, and he urged the Office to take it into consideration when preparing the draft of the outcome document for the Centenary Session of the Conference. He supported the draft decision.

360. *A Government representative of Panama* said that the meeting had involved four days of intense work, where the spirit of consensus prevailed, with inputs from more than 350 delegates representing tripartism in the Americas. She thanked the Office for its significant work prior to and during the meeting. Panama had been aware of its responsibility for hosting a highly anticipated meeting at a historic moment; in that respect, the meeting had served as a preamble to the ILO's Centenary celebrations. The Declaration adopted by the meeting captured the challenges and opportunities in the world of work discussed by participants, reflected the constituents' expectations and set out a clear road map for the ILO for the following four years.

361. *A representative of the Director-General* (Regional Director ad interim for Latin America and the Caribbean) said that behind the meeting was a collective process involving initially sectoral, then bipartite and subsequently tripartite consultations. The Office had begun to implement the Panama Declaration as soon as it had been adopted. As well as being a source of pride, the Declaration brought with it significant responsibility to implement it.
362. *The Director-General* said that the extremely successful meeting had produced a Declaration that was viewed positively by all parties. It was an important resource not only to guide the ILO's future activities in the Americas region, but would also assist the completion of the programme and budget for the entire Organization and the preparations for the outcome document of the Centenary Session of the Conference.

Decision

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

- (a) *draw the attention of ILO constituents, in particular those of the Americas region, to the Panama Declaration for the ILO Centenary by making the text available to:*
- (i) *the governments of all member States, requesting them to communicate the text to national employers' and workers' organizations;*
 - (ii) *the official international organizations and non-governmental international organizations concerned;*
- (b) *take the Panama Declaration for the ILO Centenary into consideration when implementing current programmes and in developing future programme and budget proposals.*

(GB.335/INS/8, paragraph 274)

Ninth item on the agenda

ILO-wide strategy for institutional capacity development

(GB.335/INS/9)

364. *The Worker spokesperson* expressed concern that too much prominence had been given in the introduction of the proposed strategy to the reform of the UNDS, when emphasis should be on achieving the ILO's broader mandate of social justice for all. The strategy should strengthen the capacities of the social partners to work both together – through consultation and social dialogue – and separately on their individual mandates. Her group appreciated that consideration had been given to the high-level evaluation in designing the strategy, but would like to see greater emphasis on building capacity at the national level. It would also like further explanation of what appeared to be an attempt to merge the DWCPs with processes carried out in the context of the UN Country Teams and UNDAFs. She stressed that the evolution of the reform of the UNDS should not undermine the key role of the ILO's local or regional offices or programmes. She requested clarifications with regard to the plans to strengthen the capacities of ILO staff in the area of social dialogue and the knowledge of respective roles of ILO constituents, and said that the Office should consult the Staff Union

on all issues related to staff training. Turning to the plans to expand partnerships, she sought clarification as to whether the partnerships would be selected at the local or global levels and whether participation would be decided in consultation with the social partners in each case. While partnerships would undoubtedly bring some benefits, care should be taken to ensure that the unique tripartite structure of the ILO was not undermined or its strategy diluted.

- 365.** The Workers' group was in favour of encouraging lesser degrees of earmarking and supported the proposals to increase South–South and triangular cooperation and promote exchanges among constituents. The Workers also endorsed the focus on better integrating institutional capacity development into ILO-wide programming. A planning meeting of the internal steering committee with the secretariats of the Employers' and Workers' groups should be the first step in the road map outlined in the document. The Workers' group supported the draft decision on the understanding that the further steps outlined in the document would be taken and that the guidance provided by her group in designing and implementing the strategy would be taken into account.
- 366.** *The Employer spokesperson* reaffirmed the critical and timely nature of the proposed strategy, commending the recognition in the strategy of the social partners' mandate as the basis for capacity development, especially given the challenges of integrating capacity development priorities into broader priorities and into much of the development cooperation that donors wished to fund, and given the lack of rigour in consulting with constituents. In that regard, strategic discussions between the Office and constituents were required to ensure that ILO activities built on the Organization's institutional strengths. The Employers welcomed the explicit mention of three levels of capacity development and hoped that they would indeed be mutually reinforcing. The common approach to diagnostic methods must be flexible and adapt to ongoing changes. Methodologies that resulted in self-assessment should be avoided. As the strategy would be ILO-wide, every component of the Organization should play a role. Noting that the Governing Body would have to constructively exercise its role of governance in the implementation of the strategy, he called for the incorporation of a feedback mechanism in that regard.
- 367.** The Employers were concerned about the increasing involvement of non-governmental organizations and non-traditional counterparts in the capacity development space and budget without prior consultation with the tripartite constituents. The strategy should include guiding principles on collaboration between such counterparts and the Organization. In terms of funding, he reiterated that the Office should ensure that the programme and budget would reflect the importance of strengthening the institutional capacities of the social partners. With regard to the two stages of implementation, he said that it would not be realistic to implement the strategy over two biennia. The Employers' group expected regular feedback on the execution of the strategy. His group endorsed the strategy as proposed by the Office.
- 368.** *Speaking on behalf of the Africa group*, a Government representative of Morocco noted with satisfaction that the Office distinguished between three capacity development levels in order to develop both the functional and the technical capacities of the ILO's constituents and to fully implement changes under the reform of the UNDS. The aim was to contribute both to the achievement of the SDGs and to advance social justice. Endorsing the further steps for the implementation of the strategy, his group supported the draft decision.
- 369.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the strategy should focus in particular on coordinated action at all three levels of capacity development based on the evolving needs of constituents. Effective capacity development required an in-depth understanding of the recipients' needs and priorities, which needed to be identified through a process of consultation with the concerned parties and warranted tailor-made responses. Regarding South–South and triangular cooperation,

further expansion would be required to assist the Organization in fulfilling its objectives. His group encouraged the ILO to further engage with other UN agencies to strengthen coordination and common approaches in its capacity development efforts. His group recognized the relevance of the report of the Global Commission on the Future of Work and the role of the International Training Centre of the ILO in Turin (ITC–ILO) in advancing capacity development. The function of the ITC–ILO should be expanded to allow new approaches to be tested. ASPAG supported the appointment of an internal steering committee and agreed that the strategy should be periodically reviewed and adjusted when necessary. ASPAG supported the draft decision.

- 370.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Montenegro, Serbia, Albania, Bosnia and Herzegovina and Georgia aligned themselves with the statement. Noting that capacity development was key to achieving decent work and furthering social justice, he said that the strategy could address the capacity needs of the tripartite constituents while ensuring meaningful participation in broader national policy processes and frameworks, including in the context of UN Country Teams and UNDAFs. His group supported an approach based on long-term institution-building rather than on individual projects. He welcomed the strategy's focus on increased gender equality, which included efforts to build the gender mainstreaming capacities of ILO staff, and on deepening partnerships through collaboration with other UN agencies, including through the ILO's programming processes. Institutional capacity development could be key in promoting the ratification of labour standards and capacity development of the social partners, labour administrations and other key actors should include the implementation and enforcement of subscribed international standards. At the national level, the ITC–ILO could be instrumental in providing capacity-building for labour administrations as required. Financial support should be diversified to ensure an adequate resource base for institutional capacity development efforts. He supported the draft decision.
- 371.** *Speaking on behalf of ASEAN*, a Government representative of Myanmar noted with appreciation the three key elements of the strategy and encouraged the Office to build more accessible platforms for its tripartite constituents to facilitate participation in broader national policy processes and frameworks. The Office should also increase its engagement with constituents to identify the assistance required to address their priorities. Support should be provided for both functional and technical capacity development, including research and policy development skills. ASEAN noted with satisfaction that the Office intended to expand partnerships not only at the international level but also at the regional level. His group fully supported the idea of enhancing the capacity of local training providers and welcomed the ITC–ILO's new approaches to capacity development, including the investment in a learning laboratory in 2019. ASEAN supported the draft decision.
- 372.** *A Government representative of the United States* questioned the need to mainstream institutional capacity development in the ILO's global frameworks, given that it had always been a core ILO function. There could be no one-size-fits-all approach and the delivery of programmes and services should be closely aligned to specific local and functional challenges. In particularly difficult circumstances, there should be an increased focus on building the capacity for technical assistance. Finally, he asked the Office how much it would cost to institutionalize the proposed changes and what conclusions had been drawn in that regard. His Government supported the draft decision.
- 373.** *A Government representative of India* said that the ILO's capacity development activities should be aligned with national priorities based on a detailed assessment of needs and the beneficiary organizations must be involved in their planning and implementation. In terms of the DWCPs, his country supported the integration of institutional capacity development into their overall programming and reporting cycles. His Government supported the initiatives of the ITC–ILO to strengthen partnerships with regional and national training

institutes and to establish a learning laboratory. The current collaboration between the V.V. Giri National Labour Institute of India and the ITC–ILO was an important step towards institutional capacity-building and could have the potential to further expand its outreach to other regions. Priority issues and the areas of focus for capacity development should be reviewed periodically in the light of emerging challenges. His Government supported the draft decision.

- 374.** *A Government representative of Brazil* asked for clarification on the extent to which the report of the Global Commission on the Future of Work had been used in drafting the document. He noted that there appeared to be some confusion in the document with respect to the use of the terms “constituents” and “social partners”. He noted with interest that the internal steering committee would be composed of representatives of ACTRAV and ACT/EMP, “the regions” and the ITC–ILO; in that connection, he asked for confirmation as to whether “regions” referred to the ILO regional offices and how governments would be consulted about their needs and priorities. The discussions on institutional capacity development, the South–South and triangular cooperation strategy and ILO engagement with innovative financial mechanisms had raised important complementary points that should be taken into account in discussions on the ILO Development Cooperation Strategy at the 338th Session of the Governing Body.
- 375.** *A Government representative of Bangladesh* took note of the strategy and said that capacity-building among constituents and the Office’s staff would play a significant role in the attainment of SDG 8. She described steps taken by her Government to reform labour inspection and training in Bangladesh, remarking that implementation of the strategy would help to intensify efforts to ensure full, productive and decent employment in developing countries, where there was the potential to make a significant difference. She welcomed the proposal to update existing tools and methods for capacity development, but noted that the design and implementation of such development should be closely linked to national priorities. Capacity development initiatives should be customized in consultation with national tripartite constituents, and new training materials should be developed under the guidance of the ITC–ILO and national experts. Work done by the ILO in partnership with other UN organizations should be integrated with the DWCPs. Implementing capacity development activities under the UNDAFs would be a cost-effective measure. She welcomed the proposal to expand partnerships with capacity development institutions working at the regional and national levels and urged the Office to develop long-term partnerships in that respect.
- 376.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships), responding to questions and comments, said that the strategy had been formulated with the needs of all the constituents in mind, through a process of in-depth consultations with ACTRAV and ACT/EMP. Non-traditional partnerships, in the context of UN reform, should be viewed as an opportunity to strengthen and expand the ILO’s mandate. The strategy had been designed on the basis of needs identified to ensure the continuation of the ILO’s work and to enable beneficiaries to obtain the technical expertise and develop the necessary capacities to improve their work. He noted that the social partners and governments had expressed a desire to be involved in the work of the steering committee, potentially in the form of consultations involving the secretariats of the Employers’ and Workers’ groups.
- 377.** The Office intended to continue in-depth consultations to develop a plan of action and explore how to implement, review and adapt the strategy on the basis of points raised in discussions on the programme and budget, on the future of work at the International Labour Conference and on other relevant topics. Regarding the proposal to strengthen the institutional capacity development competencies of ILO staff, including their understanding of the specific institutional roles and functions of the social partners and labour

administrations, he said that the Office had taken into account the views of the social partners that had been raised in the consultations and had responded accordingly in the document. The idea had been to hold induction sessions for new staff on the importance of tripartism and social dialogue, as well as refresher sessions where necessary.

- 378.** With regard to the mainstreaming of capacity development in all activities, he recalled that constituents had asked the Office at the 334th Session of the Governing Body to be ambitious in the realization of its vision with a particular focus on the strengthening of institutional capacities; the Office had taken steps to fulfil that request in its programming. On costing, he responded that if the Office could not secure an increase in resources in the programme and budget for the following biennium, it would need to explore how it could enhance its work to ensure it could fully implement the strategy. He confirmed that the document's reference to "regions" did indeed refer to the regional offices, which were in charge of responding to the needs of tripartite constituents.
- 379.** *The Employer spokesperson* said that discussion of the strategy should be separated from discussion of the programme and budget proposals. However, since the Office had made it clear that the two were intrinsically linked, he requested further clarification on how the strategy would be funded. The Director-General had proposed a budgetary reduction of US\$3.1 million for policy outcomes and the redeployment of around US\$948,800 of the savings made to fund the UN resident coordinator system. He was concerned that, if the strategy was to be implemented in the current biennium, budgetary reductions could affect the delivery of policy outcomes. He therefore asked the Office how it would mitigate the impact of those reductions.
- 380.** *The Director-General* said that decisions made with regard to the programme and budget for the coming biennium would have no implication for the current biennium. The ILO's work in the area would be subject to further consideration under the modified procedures for the adoption of the programme and budget in November 2019. If the Governing Body was to accept his revised programme and budget proposals, the Office would work within that framework to decide a way forward, what resources would need to be allocated to the implementation of the strategy and what implications that decision would have for other activities.

Decision

- 381.** *The Governing Body requested the Office to implement the ILO Institutional Capacity Development Strategy, taking into account the guidance received during the discussion of document GB.335/INS/9.*

(GB.335/INS/9, paragraph 34)

Tenth item on the agenda

Update on the United Nations reform

([GB.335/INS/10](#))

- 382.** *The Employer spokesperson* expressed support for the UN reform in principle, but emphasized the need to consider the major consequences of the reform for the ILO, particularly in the field. Tripartism was the key to the ILO's success and must not be undermined. He took note of the ILO's efforts to secure proper engagement between the social partners and the resident coordinators and to organize training for resident

coordinators at the ITC–ILO. The Employers were in favour of increasing the influence of the national social partners in the UNDAF process. Nevertheless, the Office had in the past been unable to secure the engagement of social partners in events that were jointly organized with UN agencies. It remained to be seen how the Office’s good intentions in that respect would turn out in practice.

- 383.** The Employers agreed with the Office’s decision to assess on a case-by-case basis the feasibility of relocating ILO country offices to common premises, provided that those premises were easily accessible to ILO constituents. It was reassuring that the DWCPs would continue to serve as the main accountability framework between the Office and the constituents at the country level and would form the basis for the ILO’s resource mobilization efforts. The group supported efforts to align the preparation of the DWCPs with the UNDAF process, which would enable the priorities of ILO constituents to be strengthened in UNDAFs.
- 384.** Nevertheless, increased coordination between different UN agencies on ILO matters might exclude ILO constituents from decision-making processes. The constituents should receive information at the beginning of intra-UN processes, to allow them to provide input. For example, the inter-agency task team set up to develop a UN common approach to due diligence for private sector partnerships had not engaged with or consulted the private sector. The Governing Body should receive a full update on the work carried out and the common approach should not be applied to the ILO’s engagement with the private sector without the Governing Body’s approval.
- 385.** Furthermore, the UN Global Compact should not have any coordinating role in respect of partnerships with the private sector. UN country-level engagement should not focus on UN Global Compact local networks, as they were multi-stakeholder initiatives without a mandate to speak on behalf of business with UN entities. The Office should be firm about the important role that must be played by the most representative organizations of workers and employers. Assigning a time slot for workers’ and employers’ engagement at the meeting of leaders of UN agencies to be hosted by the ILO in May 2019 would transmit a strong message to the wider UN system in that regard.
- 386.** He proposed an amended version of the draft decision, which had been prepared in collaboration with the Workers’ group, that read:

The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the Office’s analysis of the challenges and opportunities of the reform for the ILO;
- (b) requested the Director-General to take a strong leadership in ensuring tripartism and promoting the specific role of the social partners in the implementation of resolution A/RES/72/279 of the UN General Assembly and related inter-agency coordination mechanisms;
- (c) asked the Director-General to ensure that the revised resident coordinator job description preserves the most representative workers’ and employers’ organizations as the main entities with which the resident coordinator should engage at country level on UN’s collective support to SDG 8 and other goals relevant to the ILO mandate;
- (d) conveyed the message to UN agencies and institutions about the importance of ensuring a regular dialogue also at global level, with international workers’ and employers’ organizations;
- (e) expressed its support for the demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly, with respect to the UN reform process and implementation of the 2030 Agenda;

- (f) invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the appendix to document GB.335/INS/10.

- 387.** *The Worker spokesperson* said that the ILO should be proactive in ensuring that its unique tripartite governance structure and normative mandate were acknowledged as being intrinsic to UN reform, and adequately reflected in country-level activities. International labour standards and human rights' instruments should form the basis of the work to develop UNDAFs. The recommendations of the SRM TWG should be considered as part of the UN common country analyses, in addition to the comments of the ILO supervisory bodies, in order to promote the ratification of up-to-date international labour standards. Those standards might, however, be seen as a list of options from which governments could choose, and thus might be excluded from lists of country priorities. It was unclear whether rights issues could still be addressed through the DWCPs if they were not clearly reflected in UNDAFs and whether separate funding would be available for such work.
- 388.** Another concern was that there was no firm commitment from the UN to consult workers' organizations as a separate and specific group, which was essential if trade union priorities and labour issues were to remain at the core of country-level activities. Although the job description of resident coordinators required them to engage with the social partners, workers' organizations continued to be grouped together with other stakeholders. Trade unions and employers' organizations should have a dedicated space of engagement with resident coordinators.
- 389.** She asked the Office to clarify whether resident coordinators – who might have little knowledge of the world of work issues – would be able to request the ILO and its constituents to modify the DWCP priorities to reflect UNDAF outcomes and strategies. The DWCPs must remain the responsibility of the ILO, and must be used to influence UNDAFs, not the other way round. They should be used to ensure that the four strategic objectives of the Decent Work Agenda were adequately reflected in country-level activities. The Workers' group welcomed the proposed capacity development at the country level in that regard.
- 390.** The criteria for ILO country presence should reflect the role of the ILO supervisory mechanisms and the fact that development cooperation activities and projects were based on tripartite decisions. Evidently, it would be more difficult to reflect the priorities of the social partners in UNDAFs in countries where the ILO was not present. Arrangements to redeploy technical specialists to resident coordinator offices therefore required careful review. It remained to be seen how such arrangements would affect the support provided to the social partners in countries where the ILO had no office.
- 391.** The Workers' group supported the Office's case-by-case approach to common premises and agreed in particular on the importance of ease of access for ILO constituents and a visible ILO identity. With regard to common back offices and services, the group supported the idea of possibly opting in as the business case became clearer. The Office should adopt a cautious approach in implementing the commitments under the Mutual Recognition Statement of the Business Innovations Group.
- 392.** The ILO should ensure that respect for core labour standards was the main consideration in a common approach to due diligence for private sector partnerships. There should also be a commitment to the *Guiding principles on business and human rights*. Due diligence should discard partnerships with companies holding poor labour records. Instead, those companies should be asked to implement a road map to improve their labour records, which would be regularly monitored by the ILO in consultation with the company and workers' organizations. The partnership could then be reassessed.

- 393.** Noting that the United Nations was currently reviewing the role of the UN Global Compact, and given the lack of accountability mechanisms to ensure compliance with its ten principles, she said that the UN Global Compact was entirely inadequate as a model for private sector engagement. She hoped that the proposal to give the UN Global Compact local networks a key role in country-level engagement with the private sector would not be endorsed.
- 394.** With respect to the funding of the resident coordinator system, it was unclear how the new cost-sharing formula would affect the ILO's contribution beyond 2019. Such uncertainty caused concern, and might have implications for the ILO's programme and budget. While the Workers agreed that it was necessary to enhance the ILO's access to pooled funds, funding must be secured for issues related to the world of work. It was also important to strike a balance with access to direct voluntary contributions.
- 395.** UN reform would have several implications for ILO staff, particularly those in the field. Adequate consultations and negotiations with the Staff Union would therefore be necessary. In the UN common system, working conditions and wages should be the result of social dialogue and mature industrial relations; the ILO should play a leading role in that respect. Furthermore, the double reporting line for staff members of UN country teams raised a critical question of governance for the ILO. The group supported efforts for ILO officials to become resident coordinators.
- 396.** With regard to the plan of action, component 2 should also refer to standards, to reflect the need to preserve the ILO's tripartite governance structure, normative mandate and programmatic priorities. Standards priorities should also be included in the plan. Recalling that the ITUC and the IOE were working towards meeting the criteria to be granted observer status at the UN General Assembly, she said that the Workers' engagement in UN reform depended on the extent to which the group's concerns were addressed. She referred to the amended version of the draft decision which had been proposed by the Employers' group also on behalf of her group.
- 397.** *Speaking on behalf of the Government group*, a Government representative of Azerbaijan welcomed the active participation of the Office and the Director-General in the UN reform process and the efforts to ensure that tripartism was an integral part of that reform. It was vital that the Decent Work Agenda should be mainstreamed into the new system. Furthermore, the Office should continue to advance the ILO's normative agenda within the opportunities provided by the reform. The Governing Body's constructive three-step solution adopted in 2019 for the cost-sharing arrangement should be maintained for the 2020–21 biennium. The Office and the Director-General should continue to engage actively with relevant stakeholders and keep the Governing Body up to date with regard to the reform process.
- 398.** *Speaking on behalf of the Africa group*, a Government representative of Nigeria expressed appreciation for the ILO's reinforced support to officials interested in becoming resident coordinators. Noting the revised job description of resident coordinators and the plans for the ITC–ILO to prepare training materials for them, he said that a well-grounded coordinator would play a vital role in creating a smooth entry point for the DWCPs in the preparation of UNDAFs. The group welcomed the alignment of both new and active DWCPs with UNDAFs. The ILO remained responsible for approving the DWCPs and was expected to review them at the regional and subregional levels to ensure conformity with current reform outcomes.
- 399.** Noting the criteria for the sharing of office space and services and the co-location of some ILO field offices, he said that a cost-saving analysis of such arrangements should be provided in the plan of action. The group hoped that the discussions on the Programme and Budget proposals for 2020–21 had increased understanding of the funding arrangements for the

resident coordinator system. Further information was expected on the human resources implications of the reform. His group looked forward to the faithful implementation of the plan of action, taking into consideration the guidance from the Governing Body. The group endorsed the draft decision as presented in paragraph 46.

400. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that UN specialized agencies should always take into account nationally defined priorities and needs, in order to foster national ownership of activities. Moreover, the implementation of the UN reform process should be inclusive at the national level, and should draw on the ILO's experience in tripartism.

401. *Speaking on behalf of IMEC*, a Government representative of France said that the Office and the social partners should support the resident coordinator and UN country teams to ensure that common country analyses were rights-based and allowed development efforts to be aligned with international labour standards and the wider normative framework. Gender mainstreaming should be an integral part of those efforts. She welcomed the specific reference in the revised resident coordinator job description to engagement with employers' and workers' organizations at the country level. Noting that the priorities of ILO constituents should increasingly be reflected in UNDAFs, she said that tripartite contributions to the common country analyses, through stakeholder consultations called by the resident coordinator or through an aligned DWCP process, would increase policy coherence across the UN system and raise awareness of the ILO's work. Recalling that the 2016 quadrennial comprehensive policy review had called for more UN collaboration at the country level, she requested more information about the ILO's efforts in that regard. Regarding the planned UNDAF governance mechanism, she asked what the implications would be for the ILO and its Evaluation Office and technical cooperation projects. She expected the revised Management and Accountability Framework to provide further guidance on the arrangements concerning dual reporting lines. Recognizing that potential gains could be obtained from sharing back-office functions, she noted that the current management and accountability structures would need to be adapted to such circumstances. The ILO should continue to monitor the work of the Business Innovations Group to determine the feasibility of its proposals for the ILO and further guidance should be provided about efficiency gains. The plan of action demonstrated the Office's efforts to extract benefits from the UN reform process. She asked how the Office intended to ensure internal oversight and reporting on the plan of action. The training for ILO staff outlined in the plan of action would be essential for ensuring a successful transition to a reformed UN. It would also be necessary to provide training for resident coordinators and non-ILO country personnel on the ILO's normative and supervisory roles. Her group urged the Office to continue engaging in the UN reform process.

402. She proposed some sub-amendments to the version of the draft decision proposed by the Workers and the Employers, so that the text would read:

The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the Office's analysis of the challenges and opportunities of the reform for the ILO;
- (b) requested the Director-General to continue to take a strong leadership in promoting the value of ensuring tripartism and promoting the specific role of the social partners dialogue in the implementation of Resolution A/RES/72/279 of the UN General Assembly on the repositioning of the United Nations Development System and related inter-agency coordination mechanisms;
- (c) requested ~~asked~~ the Director-General to do his utmost to ensure that in the revised resident coordinator job description the national ~~preserves~~ workers' and employers' organizations are designated as the main entities with which the resident coordinator should engage at

country level in the formulation and implementation of the Common Country Assessments and the UN Development Assistance Frameworks, in particular on UN's collective support to the SDGs 8 and other goals relevant to the ILO mandate;

- (d) ~~requested the Director-General to inform the conveyed the message to UN Agencies and Institutions of the United Nations Development System on about the relevance of importance of ensuring a regular tripartite dialogue also at global level, with International Workers' and Employers organizations, also at global level;~~
- (e) ~~expressed its support welcomed for the objective demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly, with respect to the UN reform process and implementation of the 2030 agenda;~~
- (f) took note that, with a view to the follow-up to the UN reform process and the implementation of the 2030 agenda, the International Trade Union Confederation and the International Organisation of Employers are going to actively engage in the United Nations Economic and Social Council (ECOSOC) processes;
- (g) invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the Appendix to GB.335/INS/10.

403. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that North Macedonia, Montenegro, Serbia, Albania and Georgia aligned themselves with his statement. He aligned himself with the statement delivered on behalf of IMEC. He welcomed the ILO's active engagement in the UN reform process, noting that the ILO could retain its influential role in the UN system by contributing to the common country analyses, thereby ensuring that UNDAFs reflected the ILO's assessment of national realities. Normative activities related to labour and employment should also be part of the resident coordinator's mandate. The DWCPs would safeguard the ILO's normative priorities, based on constituents' needs, and would remain a tool for bilateral dialogue with governments. Noting that resident coordinators would closely engage with the social partners, he said that employers' and workers' representatives should be adequately trained in UN processes. He agreed that the ITC-ILO should provide induction sessions for resident coordinators and other UN staff to raise awareness of the Decent Work Agenda, social dialogue and tripartism. Moreover, the Office should encourage its high-level officials to become resident coordinators. The Office should map potential gaps in each country to facilitate the deployment of personnel if required. The EU and its Member States had made a commitment to support the resident coordinator trust fund and the UN Joint Fund for the 2030 Agenda for Sustainable Development. His group welcomed partnerships with the private sector, but agreed that it was important to determine clear rules of engagement. The plan of action therefore rightly included an assessment of how a UN common approach to due diligence for private sector partnerships could be applied by the ILO. He supported the draft decision, as amended by the Workers and Employers and sub-amended by IMEC.

404. *Speaking on behalf of ASEAN*, a Government representative of Indonesia said that his group welcomed the ILO's active participation in the reform of the UNDS. He emphasized the importance of enhancing cooperation between the ILO and resident coordinators at the country level, and expressed support for the Office's initiative to provide training for resident coordinators on the ILO's unique mandate. The Office should continue to align the DWCPs with UNDAFs, and should hold further consultations on implementing reforms in country offices to ensure that member States could continue to promote decent work. The Office should maximize access to pooled funds, such as the UN Joint Fund for the 2030 Agenda for Sustainable Development, and ensure it had the relevant capacity to do so. Concerning human resources implications, the Office should continue revising the job description of its country directors, and adjust the performance management frameworks and staff regulations in its country offices where necessary. Noting the long-standing cooperation between the

ILO and ASEAN, he encouraged the Office to analyse the implications of the UN reform on its regional development assistance delivery programmes. Finally, he welcomed component 2 of the plan of action and expressed support for the draft decision as set out in the document.

- 405.** *A Government representative of Mexico* said that the ILO's engagement in the UN reform process was essential not only because its priorities were inextricably linked to the SDGs, but also to safeguard the role of social partners, especially at the country level. The plan of action would allow the ILO to maximize opportunities resulting from the reform process through its engagement with the resident coordinators, and would strengthen its presence on the ground. The ILO's experience in supporting member States in the application of international labour standards would be a valuable element when developing UNDAFs; tripartism would also make that process more inclusive and ensure that national realities were taken into account.
- 406.** *A Government representative of Brazil* said that the UN reform provided an opportunity to promote the added value of the ILO, but also to draw on the best practices of other UN agencies. Nationally defined priorities should be an essential element of the work conducted by the UN specialized agencies. All of the tripartite constituents had a role to play in establishing those priorities, including local governments. He could not agree with the inclusion of the new subparagraph (c) in the draft decision proposed by the representative of IMEC, as it did not reflect the reality in the field. He thanked the Office for providing an update on the funding of the resident coordinator system and asked why the lightly earmarked thematic or outcome-based funding from multiple donors was not included in the funds subject to the 1 per cent levy.
- 407.** *A representative of the Director-General* (Director, ILO Office in New York) welcomed the positive tone of the discussions and the advances that had been made. The theme of social protection had been chosen as the focus of the first call for proposals for the new UN Joint Fund for the 2030 Agenda for Sustainable Development, and the ILO's comparative advantage in that area would help resident coordinators to decide on proposals and would guide the allocation of funds. In response to concerns that the UN reform would dilute the ILO's advantage, he gave his assurances that the opposite was true: it would reinforce the ILO's normative agenda and its tripartite nature. He recognized that the process was only in its initial stages, however, and the situation would be closely monitored. As decent work was a key part of SDG 8, the ILO's structures and methods were inevitably also becoming global. The entry points for the ILO's engagement in such activities would therefore be clear, and the ILO would have to seize opportunities when they occurred. The ILO's workload would likely increase as a result of the UN reform, and the Office would have to learn how best to work with other stakeholders, in consultation with the constituents. International labour standards, as legally binding international treaties, were more important than UNDAFs, which were simply planning mechanisms. Turning to the UN common approach and the UN Global Compact, he said that the UN reform would take into account the concerns expressed, particularly regarding local networks. Finally, as the UN reform would be implemented at the national level, he said that it would be the responsibility of governments and employers' and workers' organizations to ensure that they interacted proactively with the resident coordinator and the UN country teams to advance decent work in their country.
- 408.** *The Employer spokesperson* said that his group wished to see two minor changes to the proposed IMEC amendment. In subparagraph (b), he proposed changing the words "continue to take a strong leadership" to "continue to strengthen leadership". In subparagraph (c), he proposed changing "the main entities" to "key entities".
- 409.** *The Worker spokesperson* said that her group preferred the wording "social partners" to the "social dialogue" proposed by IMEC.

410. *Speaking on behalf of IMEC*, a Government representative of France said that she would accept those proposed sub-amendments.
411. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said, with reference to subparagraph (c), that the words “national workers’ and employers’ organizations” should be replaced by “tripartite constituents” or perhaps “most representative workers’ and employers’ organizations”. In relation to subparagraph (e), he asked what welcoming the objective of the ITUC and the IOE to be granted observer status in the UN General Assembly would mean for the ILO. As legal procedures were in place for acquiring observer status, he would like the Office to present a legal opinion on the proposal.
412. *Speaking on behalf of ASPAG*, a Government representative of China expressed support for the amendment proposed by IMEC.
413. *The Worker spokesperson* said that since extensive exchanges had already taken place, she preferred to retain the reference in subparagraph (c) to “national employers’ and workers’ organizations”. While she would appreciate the Office’s legal advice in relation to subparagraph (e), the language appeared to have no legal implications. She invited all Governments to support the Workers’ and Employers’ groups in their worthy intentions.
414. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the discussions must be based on the tripartite consensus reached in November 2018 and should be concluded at the current session. The proposed IMEC amendment appeared closest to capturing what had been agreed and, with a view to facilitating consensus, his group would support it. However, subparagraph (b) posed a difficulty. If the ILO remained firmly committed to promoting tripartism and its own fundamental principles, there would be challenges in guaranteeing participation in UN General Assembly discussions and implementing UN reform. Unlike the Millennium Development Goals, the 2030 Agenda was not intended to be about selecting individual goals. By the same token, the proposed amendment to subparagraph (c) appeared to suggest that the resident coordinator should prioritize contacting and working with the social partners to implement a specific goal. The implementation of the 2030 Agenda had to be holistic. It should be recalled that the Government of the country in which the resident coordinator was working was a key piece of the jigsaw, all the more so in the tripartite context of the ILO. UN agencies were not there to create or implement any priorities other than those of the State itself. He wished it to be recorded in the Governing Body minutes that the Government of the country in question should play a fundamental role in any dialogue relating to priorities with respect to the 2030 Agenda.
415. *The Employer spokesperson* said that his group fully supported the amendments proposed by IMEC and did not intend to endorse any further amendments.
416. *Speaking on behalf of IMEC*, a Government representative of France said that the proposal made by the Government representative of Brazil was covered by the Employers’ proposal to replace the words “main entities” by “key entities”. She reiterated her support for the formulation “national workers’ and employers’ organizations” in subparagraph (c).
417. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that, while he would accept “workers’ and employers’ organizations”, he wished it to be placed on record that his group preferred the formulation “tripartite constituents”.
418. *The Chairperson*, referring to the concerns raised by the Government representative of Brazil and the Africa group, said that mentioning the social partners in no way negated the

key role played by national Governments. She took it that the amended text had consensus support and needed no further amendment.

419. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that he would not oppose the adoption of the text as amended, provided that the concerns he had expressed were faithfully recorded in the minutes.
420. *The Director-General* said that he wished to reassure the Africa group that subparagraph (e) merely welcomed the previously-known objective of both the ITUC and the IOE to seek observer status in the UN and entailed no legal consequences for the Governing Body or the Office.

Decision

421. *The Governing Body:*

- (a) *took note of the current status of the reform of the United Nations development system and the Office's analysis of the challenges and opportunities of the reform for the ILO;*
- (b) *requested the Director-General to strengthen leadership in promoting the value of tripartism and the role of the social partners in the implementation of United Nations General Assembly resolution 72/279 on the repositioning of the United Nations development system;*
- (c) *requested the Director-General to do his utmost to ensure that in the revised resident coordinator job description national workers' and employers' organizations are designated as key entities with which the resident coordinator should engage at country level in the formulation and implementation of the Common Country Assessments and the United Nations Development Assistance Frameworks, in particular on the Sustainable Development Goals that were relevant to the ILO's mandate;*
- (d) *requested the Director-General to inform the agencies and institutions of the United Nations development system of the relevance of regular tripartite dialogue with international workers' and employers' organizations, also at the global level;*
- (e) *welcomed the objective of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) to be granted observer status in the United Nations General Assembly;*
- (f) *took note that, with a view to the follow-up to the United Nations reform process and the implementation of the 2030 Agenda for Sustainable Development, the ITUC and the IOE were going to actively engage in the United Nations Economic and Social Council (ECOSOC) processes; and*
- (g) *invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the Appendix to document GB.335/INS/10.*

(GB.335/INS/10, paragraph 46, as amended by the Governing Body)

Eleventh item on the agenda

Decent work for sustainable development

(GB.335/INS/11)

422. *The Worker spokesperson* said that the ILO should take the opportunity presented by the discussion of SDG 8 at the UN high-level political forum on sustainable development later that year to bring the four pillars of the Decent Work Agenda into the 2030 Agenda for Sustainable Development. In particular, the ILO should stress the key role of international labour standards in the attainment of decent work and the importance of the supervisory mechanism and industrial relations institutions. Since over half of the global population did not benefit from freedom of association and collective bargaining, the ILO should use the forum to invite UN member States to ratify Conventions Nos 87 and 98, and to showcase its key role and efforts to build a new social contract.
423. He thanked the Office for the support provided to trade union representatives to enable them to participate in the Expert Group Meeting to be held in April 2019. However, the Workers' group was concerned about the meeting's outcomes, given the broad range of participants and agencies, and asked how that meeting would feed into the high-level political forum. The Office should take the lead in raising the issues of tripartism, the supervisory mechanisms and the role of industrial relations.
424. In relation to the training course on decent work and the 2030 Agenda, he requested a full fellowship for some Worker participants to ensure balanced participation. He also sought further information on the decent work for sustainable development tool and the criteria for selecting the SDG targets included in it.
425. As to the contribution of the ILO to the SDGs to be discussed in 2019, further aspects could be included under SDG 4, such as early childhood education, quality and universal access to education, and the working conditions of teachers, with a reference to the *ILO Policy Guidelines on the promotion of decent work for early childhood education personnel* and the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel.
426. Regarding SDG 10, discrimination-driven income inequality was linked to obstacles to freedom of association and collective bargaining. The ILO could demonstrate its added value in contributing to that Goal by highlighting collective bargaining and a living wage, and the flagship report on collective bargaining should make the case for the promotion of coordinated and centralized collective bargaining systems to help to reduce inequalities. The ILO should promote the MNE Declaration and the outcomes of the Tripartite Meeting of Experts on Cross-border Social Dialogue in efforts to foster compliance with rights in a globalized world of production and consumption. Relevant instruments, such as the Equal Remuneration Convention, 1951 (No. 100), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and joint work with other agencies to promote the UN Declaration on the Rights of Indigenous Peoples and the Global Compact for Safe, Orderly and Regular Migration should be showcased as ILO contributions to the elimination of discrimination. Major efforts should be made to tackle overwhelming inequalities in wealth, including fiscal redistribution through social protection systems and progressive taxation. Dependence on income from precarious working conditions applied not only to households in low-income countries but also to workers on zero-hours contracts and other precarious working arrangements, particularly migrant workers, in developed and middle-income countries. Under target 10.4, the ILO should further contribute to international macroeconomic and fiscal coherence by helping to create a narrative that could frame policy proposals and institutional reforms, beginning with how labour and macroeconomic policies

could contribute towards the achievement of the SDGs. Many programmes of international financial institutions had caused serious disruption at the national level by pushing for regressive labour reforms and taxation, and dismantling social security. Public policies and quality public services would be crucial to the attainment of the SDGs. Target 10.6 was in line with efforts to support the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO.

- 427.** In relation to sustainable economic transformation, the ILO could make a key contribution to the SDGs by proposing that such transformation should be based on a just transition to a new paradigm of production and consumption founded on social dialogue to cope with the major changes in the world of work. That framework should guide discussions on the infrastructure, education, industrial policies, jobs and skills needed and the kind of society desired. The Workers' group welcomed further engagement of the ILO in the scope of the Solidarity and Just Transition Silesia Declaration and would appreciate further details on the proposed just transition platform.
- 428.** As to SDG 16, he welcomed the work done in relation to the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). Furthermore, the guidelines on decent work for public emergency personnel were an important tool that highlighted the role of first responders in conflicts and disasters, which could also be promoted in joint work with the UN Office for Disaster Risk Reduction. Since SDG 16 also included commitments to combat corruption and tackle illicit financial flows, research and discussions on the protection of whistle-blowers would be another important input.
- 429.** Regarding the global initiative on Decent Jobs for Youth, the ILO should apply the public-private partnership procedure to all partnerships with the private sector, even where there was no financial contribution to the ILO. It was concerning that throughout the development of the initiative, Worker representatives had not been consulted in the drafting of key documents, the selection of the thematic priorities, the development of campaigns and events and decisions on engagement with external partners. The themes chosen did not represent trade union priorities on youth employment, such as the role of the social partners in creating, securing and promoting decent work for all, the role of social dialogue and collective bargaining, young workers' participation in unions, the need to tackle contractualization, zero-hours contracts and bogus self-employment, the rising trend of unpaid and underpaid internships and ensuring that young workers enjoyed their full labour rights and protections while in employment, jobseeking, volunteering and vocational training. Moreover, a mechanism should be implemented to prevent multinational enterprises with a poor track record on labour and human rights from joining the initiative, to avoid damaging the ILO's reputation. The Workers' group supported the draft decision.
- 430.** *The Employer spokesperson* said that many enterprises had already integrated sustainable development into their strategies; however, there needed to be a balanced approach that incorporated economic, social and environmental aspects. Creating the conditions for sustainable growth would free production capacity, create employment, grow revenue sources and encourage social development. The ILO should indicate more clearly that sustainable enterprises played a key role in implementing and sustaining decent work, while also taking account of growing challenges, including technological development and demographic changes.
- 431.** "Empowering people" required encouraging an environment favourable to strengthening productivity and guaranteeing enterprise sustainability. Creating "many more employment opportunities" did not just mean allowing "effective access to rights and the application of standards". Economic incentives would be the best way to reduce unequal opportunities, by developing policies for investment in education and training to promote workforce integration. However, there also needed to be a change in attitudes and an evolution in certain

sociocultural practices. Over the past 25 years, inequalities had increased in many countries, but decreased in many others, demonstrating that national policies had borne fruit. One way to respond to income inequality was to work to reduce productivity gaps at the sectoral and regional levels, and to introduce progressive tax and social protection policies.

- 432.** The document treated productivity as a by-product of a favourable environment, rather than an essential condition enabling enterprises to create decent and sustainable jobs. The emergence of new business models and the future of work meant that the Organization had to review its approach. The Decent Work Agenda should go hand-in-hand with a growth and productivity agenda, which should be at the top of national development plans, through the DWCPs. More should be done to promote productivity growth, with priority given to measures that encouraged productivity and sustainable growth that generated employment and revenue.
- 433.** The section of the document on institutions and comprehensive policies did not give sufficient emphasis to the role of the social partners. Employers' organizations had a central role to play in cases where the regulatory environment needed to be adapted to new trends, and should therefore be strengthened. It was also critical for employers' and workers' organizations to be able to influence the priorities of the new generation of UNDAFs. Only national development strategies based on social dialogue could develop appropriate responses.
- 434.** Addressing unemployment, youth unemployment in particular, required the adoption of a set of holistic policy measures. National policies were not always effective in addressing the challenges, since they were often insufficient or badly implemented. There should therefore be a detailed study, examining issues of institutional capacity and national coordination, and mechanisms should be put in place to evaluate their impact.
- 435.** With regard to the transition towards the formal economy, easy access to property rights, for example, could provide the legal framework for informal enterprises to sign up and invest, alongside a reduction in registration bottlenecks and incentive mechanisms, such as access to credit and markets, to encourage formalization.
- 436.** Concerning the transition to low-carbon economies, the economic impact, on SMEs in particular, must be anticipated. A viable transition required moving from a regulatory approach to a broader approach that included a stable regulation framework and incentives, particularly in developing and emerging economies. In order to meet the socio-economic challenges of climate change, macroeconomic and sustainable development policies needed to be promoted, a commercial environment, industrial and sectoral policies conducive to productivity and improved access to financing and technology needed to be introduced, and training needed to be encouraged. The Office's primary objective, before establishing a global platform for a just transition, should be to develop an action plan to strengthen the capacities of the constituents to make those structural changes.
- 437.** With respect to migration, the document had only addressed the protection of migrant workers. In order to include migrant populations in the labour market, there needed to be specific education, training and apprenticeship programmes.
- 438.** *Speaking on behalf of the Africa group*, a Government representative of Senegal said that his group encouraged the Office to continue to find ways to speed up its progress in "empowering people and ensuring inclusiveness and equality" and to have member States provide updates on their progress with regard to SDG 8 in particular. The ILO's mandate based on social justice and the Decent Work Agenda could show the way towards the achievement of the SDGs by 2030. However, it would be an enormous challenge, particularly in Africa, given the magnitude of youth unemployment and the strength of the

informal economy, with poor access to social protection and collective bargaining. The ILO was undertaking important work in implementing its skill enhancement programme, taking account of national situations, in its development cooperation strategy. That work should be extended, in Africa in particular. The informal economy dominated the structure of the African economy, and efforts to facilitate formalization should be pursued.

- 439.** The Africa group made several recommendations: to support the implementation of action plans derived from the conclusions of the 106th Session of the Conference in 2017 with regard to the contribution of migrants to the 2030 Agenda for inclusive growth and sustainable development in countries of origin, transit and destination; to support strategies to formalize the economy and reduce decent work deficits, in particular through inclusive social security systems; to promote policies that guaranteed working conditions respectful of occupational safety and health regulations, to protect workers and improve productivity and economic performance; to create opportunities for all, reduce inequalities and end gender discrimination with regard to wages, access to employment and skills; to invest in direct and indirect employment creation, in particular with regard to physical and digital infrastructure to enhance connectivity, expand markets and support sustainable economic growth and social development; and to strengthen the technical capacities of national statistics services in order to effectively monitor the implementation of the SDGs.
- 440.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh said that achieving decent work for all was a critical pathway to empowering people. In addition to creating new employment opportunities, it was vital to ensure equal access to existing opportunities and resources, particularly for those who faced challenges and discrimination. The Office should work with the constituents and bolster inter-agency partnerships in addressing the issue. Promoting SMEs with a particular focus on young people would contribute to addressing unemployment in Asia and the Pacific; he asked the Office for its assistance in helping young people to develop the necessary skills. He also called on the Organization to assist the constituents in scaling up management training and establishing support systems to address the needs of SMEs.
- 441.** Many countries in Asia and the Pacific lacked institutional and technical capacity in the area of data generation, monitoring and reporting on the SDGs. He therefore encouraged the Office to provide more support through capacity-building, technical assistance and coordination with other custodian agencies.
- 442.** Studies should be carried out into the regional distribution of the new jobs created in achieving the objectives of the Paris Agreement on Climate Change. More investment should be directed towards low-carbon infrastructures, green construction and the creation of green jobs. He welcomed the proposal to create a global platform for a just transition, decent jobs and social inclusion, and requested further information, including on the possible structure and operation of the proposed platform. Lastly, while ASPAG appreciated the ILO's engagement with various multilateral and stakeholder initiatives to help member States achieve the SDGs, it must ensure that those activities did not overlap.
- 443.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that North Macedonia, Montenegro, Serbia and Albania, as well as Georgia, aligned themselves with the statement. Inequality and decent work deficits resulted from a lack of access to opportunities and were often rooted in forms of discrimination and a violation of fundamental principles and rights at work. Labour market institutions and policies were key to promoting just, peaceful and inclusive societies and comprehensive employment policies based on tripartite frameworks needed to be based on holistic approaches. That was particularly relevant to address the challenges of youth employment, eliminate child and forced labour and support peace building and the transition to formal

employment. Moreover, social and environmental conditions were vital drivers of sustainable development and sustainable global value chains.

- 444.** Although SDG 8 was at the core of the ILO's mandate, contribution to the other SDGs should continue to be made through cooperation with other organizations and the social partners. Actions aimed at achieving SDG 8 would contribute to the fulfilment of the other Goals, because decent work was at the heart of human development.
- 445.** The transition to a green economy was a complex process, and employers needed to adapt to new technologies and organizational methods by acquiring new skills. There needed to be an assessment of the impact of green job creation, in order to identify those economic sectors with the potential for developing green jobs, and to anticipate changes in occupational structure by the type of skills required. Anticipating changes in the labour market required proactive transformation management and improved data collection; long-term planning would be essential. With its research capabilities and commitment to the Decent Work Agenda, the ILO could contribute to the reflection on a shift towards an energy- and resource-efficient economy. A mapping of the future skills necessary for that shift was needed in order to anticipate workers' needs.
- 446.** Social dialogue and tripartism would play a critical role in restructuring the economic sectors affected by the move towards renewable energies. Digitization and new technologies raised multiple challenges for the future of the labour market and required the support of all institutions and economic and social actors. Effective social dialogue must emphasize the interests of national actors. There should also be easily accessible assistance mechanisms and funding, as well as training and organizational development for workers and employers. Governments had a duty to support the social partners. Workers in the informal sector were particularly vulnerable, especially in rural areas, so formalization was also essential to the realization of the SDGs.
- 447.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group supported the views expressed by ASPAG and viewed the implementation of SDGs 4, 8, 10, 13 and 16 as crucial to empowering people and ensuring inclusiveness and equality. Economic empowerment through decent and productive jobs required an enabling environment in which workers of all sectors were equipped with the right skills and training. With regard to inequality, considerable progress had been made in reducing income disparity worldwide. Quality jobs, along with social protection, must play a central role in achieving economic empowerment in order to bridge the income gap, and social protection was key to ensure that workers did not fall below the poverty line.
- 448.** Workers in the informal economy, who were often found in rural areas, were especially vulnerable to decent work deficits. The transition to formal employment and the extension of social protection coverage would help improve their working conditions, productive capacity and access to better job markets. The ILO should continue to support its member States by providing technical assistance programmes to ensure that recommendations concerning social protection and formalization of employment were translated into practical applications at national level. Many developing countries had gone through remarkable transformation and growth, which had led to a higher quality of life and equitable access to opportunities.
- 449.** *A Government representative of Ethiopia* said that achieving inclusive growth and creating jobs, particularly for young people and women, was crucial if the ILO and its member States were to make an impact collectively with respect to pressing development challenges. The engagement of the ILO with stakeholders at various levels and the efforts of the Office to support member States in submitting voluntary national reviews on SDG 8 were encouraging and should be further strengthened. Digitization and harmonization of labour market

information systems, particularly in Africa, were critically important, as ensuring decent work for all required evidenced-based policymaking and informed decisions.

- 450.** *A Government representative of China* said that the UN high-level political forum on sustainable development was an important platform for the ILO to mainstream decent work in the 2030 Agenda. The forum's theme was closely related to SDG 8 and other SDGs that were relevant to the ILO. Although working poverty had fallen globally, poverty was still the root cause of many economic and social problems, as well as a major obstacle to achieving sustainable economic and social development. China encouraged the Office to make full use of employment-based and vocational training and of social protection floors, which played a crucial role in poverty reduction and in realizing the SDGs, and to engage with the UN high-level political forum and other UN-related activities.
- 451.** *A Government representative of India* said that inclusive growth, productive employment, quality education, reduced inequalities, decent work, just transition, peaceful societies, access to justice and accountable and inclusive institutions were components of sustainable development and growth. He encouraged the ILO to contribute to development cooperation with respect to global skills partnerships through the provision of a platform to promote participation in apprenticeships in different countries, thereby helping young people to become productive members of the global workforce. There was a need to establish strong links between education systems and the labour market and the role of the ILO was particularly critical in responding to new trends in employment and emerging forms of employment through data collection, policy recommendations and devising platforms for coordinated efforts that would transform opportunities for the workforce. With respect to sustainable development, the ILO could support the move towards environmentally sustainable societies by intensifying its research, and providing technical assistance to developing countries, identifying the sectors that would be most negatively affected and estimating job losses due to the switch to green jobs.
- 452.** *A Government representative of Ecuador* said that Ecuador had demonstrated its commitment to the SDGs by participating in the 2018 voluntary national review of the UN high-level political forum. In that context, it welcomed the collaboration of the ILO with the Expert Group Meetings and in particular its work on SDG 8 for the progress report that would be presented at the 2019 high-level political forum. Ecuador was aware of the challenges that lay ahead and agreed that empowerment, training, capacity-building, the elimination of discrimination in all its forms, and strengthening of productive capacity were crucial for the creation of opportunities and decent work.
- 453.** *A Government representative of Indonesia* said that her country shared the concern that wage inequality had become a worldwide trend, particularly for women. It attached great importance to investing in skills to anticipate future work and supported the efforts of the ILO to continue providing technical assistance to member States on skills development and skill matching. Strengthening and transforming labour market institutions and policies were important challenges in promoting decent work, and measures must be taken to ensure that future labour policies would enable young workers to take full advantage of the labour market. Indonesia encouraged the continued commitment of the ILO to support reporting and monitoring of the implementation of the 2030 Agenda, notably by providing capacity-building and technical assistance to countries to improve their statistical systems and fundamental data.
- 454.** *A Government representative of Uruguay* said that clear guidelines from the ILO would help strengthen the commitment to social justice, freedom of association, social dialogue and collective bargaining. Uruguay looked to the Organization to continue to provide practical, flexible and efficient tools. The instability caused by economic crises, political and social conflicts and by the potential of technological change must be taken into account from a

holistic perspective, with a focus on its impact on human beings, particularly those in situations of vulnerability, including extreme poverty and forced labour. To those concerns were added youth unemployment, discrimination in all its forms, the effects of climate change and rapid technological change, all of which required countries to create effective public policies. While the international context was more challenging and uncertain, efforts by countries at the national level had achieved concrete results. The tripartite structure of the ILO enabled it to understand international realities and to identify appropriate responses, and its supervisory system played a crucial role in protecting labour rights in a balanced and inclusive manner.

- 455.** *A Government representative of Nepal* welcomed the ILO report *World Employment and Social Outlook: Trends 2019*, which contributed to the ILO's global vision for decent work, inclusive growth and social adversity advocacy. The report was also in line with the report of the Global Commission on the Future of Work, with its human-centred agenda and renewed focus on an individual's capability as well as the labour market situation. International collaboration was essential to address existing decent work deficits in most developing countries. His Government was grateful to the ILO for mobilizing collective efforts to eliminate child labour, forced labour and modern day slavery. It was a serious challenge that some 64 million young women and men remained unemployed globally. Youth unemployment must be addressed holistically with policy measures that promoted employment and economic development, education and skills development, labour market and youth entrepreneurship, self-employment and rights for young people.
- 456.** *A Government representative of Thailand* agreed that decent and productive employment was at the heart of the 2030 Agenda and supported the ILO's forecast on skills development and education. It was crucial that all workers should be covered by social protection; the ILO could contribute by developing capacity-building programmes at regional and national levels to provide guidance on implementing social protection policies.
- 457.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) said that the guidance received from member States and representatives during the discussions would inform the ILO contribution to the UN high-level political forum and the Expert Group Meetings.
- 458.** *A representative of the Director-General* (Special Representative and Director, ILO Office for the United Nations) agreed that it was an opportune time to connect SDG 8 across the entire agenda, since it was a goal that inspired collective ownership. The ILO was the custodian of 14 indicators, most of which were derived from SDG 8 and it was in that context that the ILO had been chosen to lead the Expert Group Meeting on SDG 8. With respect to training, the ILO had a limited budget, but it would make as much contribution as possible. The linkage between SDG 8 and the other goals was one of the main features of the workforce and development platform on which work was continuing. The Global Initiative on Decent Jobs for Youth was significant since young people were at the core of the SDGs and the ILO had been designated to lead the Initiative in view of its expertise. Rights at work must be mainstreamed across the Initiative, including those relating to formality, the rural economy and quality apprenticeships. Just transition had been chosen as one of the themes of the UN Climate Action Summit in 2019 and member States would be encouraged to include just transition policies as part of their nationally determined contributions.

Decision

459. *The Governing Body requested the Director-General to take account of its guidance in further developing the ILO contribution to the 2019 high-level political forum on sustainable development.*

(GB.335/INS/11, paragraph 52)

Twelfth 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.335/INS/12](#))

- 460.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office had been working extensively with the Government of Myanmar, in particular the Ministry of Labour, to finalize the arrangements for a potential new mechanism for dealing with forced labour. The mechanism would mark a transition from the former Supplementary Understanding and associated action plan to addressing forced labour through the DWCP. Despite some delays, the Office had recently received indications from the Government regarding a way forward. Progress had also been made on a number of issues mentioned in the document.
- 461.** *A representative of the Director-General* (ILO Liaison Officer for Myanmar) said that the main goal, as set out in the DWCP, was to institutionalize a national mechanism for handling forced labour complaints that would replace the Supplementary Understanding that had expired in December 2018. The training and awareness-raising and capacity-building programmes on forced labour would continue under the new mechanism, but with much greater mobilization of the social partners. In recent days, the Ministry of Labour and the ILO Liaison Office in Yangon had agreed a draft plan for approval by other ministries, under which the Government of Myanmar would complete the design and consultation process for the new mechanism in April and May with a view to establishing the new mechanism by June 2019. The ILO and the social partners would be fully involved in the process in order to ensure that the new mechanism enjoyed the trust and confidence of the tripartite constituents and, above all, of victims of forced labour in Myanmar.
- 462.** The document before the Governing Body showed that forced labour and underage recruitment cases continued to be reported, especially in conflict areas in Myanmar. It was therefore important to consider how complaints would be investigated, how victims and complainants would be protected from reprisals and how the mechanism would relate to the justice system and ensure accountability and redress.
- 463.** The Government had agreed that until the national mechanism was in place and operational, the ILO should continue to submit any forced labour complaints to the existing High-Level Working Group through the current procedure. Moreover, the ILO would be able to channel complaints to the new mechanism once in place. Complaints regarding underage recruitment would still be handled by the Country Task Force for Monitoring and Reporting and the ILO would continue to channel complaints to it. The Government had also agreed to continue processing any existing cases of forced labour cases that had been received under the Supplementary Understanding prior to 31 December 2018.

- 464.** The recent enactment of the new Occupational Safety and Health Law was an important milestone for the DWCP, as it formed the basis for a comprehensive and unified national occupational safety and health system in Myanmar. It was a significant achievement for the tripartite process, as it had been discussed with the social partners for many years and demonstrated the value of social dialogue in the law-making process. Tripartite dialogue in Myanmar had developed significantly in recent years, but remained fragile and could not be taken for granted. There was a sense of frustration that the recommendations arising from it were not taken fully into account by Parliament in the labour law reform. The guidance offered by the CEACR had been helpful in that regard and Parliament had been holding further consultations on the laws. It was hoped that further progress would be made at the parliamentary session in May.
- 465.** In February, several trade union leaders in the city of Mandalay had been charged under the Peaceful Assembly Law for their participation in a peaceful demonstration against the labour laws. The charges appeared to be arbitrary and disproportionate and ran counter to the spirit of social dialogue and the democratic development of Myanmar, prompting the ILO to intervene in the case at a high level and to follow it very closely. The CEACR had already pointed out some of the shortcomings of the Peaceful Assembly Law in relation to freedom of association and called for it to be reviewed.
- 466.** *A Government representative of Myanmar* said that Myanmar wished to associate itself with the statement to be delivered on behalf of ASEAN, Australia and Japan. The current democratically elected civilian Government had been transforming Myanmar from an authoritarian to a democratic federal union since taking office in March 2016. As a result of reforms to public institutions and the strengthening of the rule of law to create a fair and just society, significant progress had been made in many areas, including the promotion and protection of labour rights. Such positive developments would be reinforced by the ongoing implementation of the Myanmar Sustainable Development Plan, which was aligned with the SDGs, including SDG 8. His Government firmly believed that through policy change, legislative reform and awareness-raising and training activities, it could change the behaviour of individuals and organizations, including those in the government sector, and could further develop a meaningful tripartite culture in its country. It had therefore endeavoured to step up labour law reforms, strengthen the culture of tripartite social dialogue and train those who were heavily involved in the promotion and protection of labour rights, in close cooperation with the ILO. One of its most significant achievements had been the signing of the first ever DWCP for Myanmar.
- 467.** His Government was strongly committed to the elimination of forced labour and had already transferred the General Administration Department, responsible for many issues relating to forced labour, from the military-designated Ministry of Home Affairs to the civilian Ministry of the Office of the Union Government. Since the expiration of the complaints mechanism for cases of forced labour in December 2018, his Government had been cooperating closely with the ILO under the newly signed DWCP and had developed an action plan for the establishment of national complaints mechanisms. It was also finalizing a new, time-bound action plan for the elimination of forced labour which included four priorities, namely: the institutionalization of the national complaints mechanism for cases of forced labour; training and awareness-raising on forced labour; capacity-building to end forced labour; and the mobilization of the tripartite partners to prevent forced labour in the private sector. The national complaints mechanism would be developed in consultation with the social partners and the ILO. Moreover, the Ministry of Labour, Immigration and Population would be focal in the mechanism.
- 468.** While significant progress had been made, his Government faced many challenges in its efforts to promote and protect labour rights, mainly due to a lack of awareness. It therefore wished to conduct more training and awareness-raising courses, including training for

trainers. His Government was also struggling to fulfil its reporting obligations for Conventions that it had already ratified. While it wished to ratify more ILO Conventions, including core Conventions, it would require capacity-building in order to meet its reporting obligations.

- 469.** His Government was aware of the concerns expressed by the social partners and the ILO on the need to promote relations with the tripartite partners and called on the ILO to provide specific training courses for each group. Aware of the shortcomings of some national laws, his Government had been undertaking reforms. The amendment of the Labour Organisation Law was being discussed with the tripartite partners. Moreover, various amendments to the Settlement of Labour Disputes Law had been adopted and were now being reconciled by a joint bills committee following consultations between Members of Parliament and representatives of workers' organizations to discuss amendments. A tripartite parliamentary committee was working to amend undemocratic constitutional provisions; its work would have an impact on other reforms, including labour law reforms.
- 470.** His Government upheld the right to peaceful assembly. The national culture of tripartite social dialogue had grown stronger and his Government had been proactive in preventing disputes between workers' and employers' organizations. The number of registered labour organizations was growing significantly. His Government was promoting responsible investment that took into consideration environmental and social matters. The newly created Ministry of Investment and Foreign Economic Relations sought to make the sector more systematic; investment permits were only granted to investors who met stringent criteria, including in respect of social responsibility and job creation. In 2017 and 2018, most foreign direct investment had been in the labour-intensive manufacturing sector, boosting trade and creating decent work for many. His Government requested investors to support its efforts to promote worker welfare.
- 471.** He expressed appreciation for the ILO's cooperation and engagement, which, at that juncture of democratic transformation, he hoped to deepen further in order to promote and protect labour rights. He further expressed appreciation to those countries that had supported endeavours to promote labour rights and social justice in Myanmar. His Government was resolved to overcome the remaining challenges. In view of the foregoing, it was time to normalize relations between Myanmar and the ILO by changing the status of the Liaison Office to Country Office. Furthermore, it would be opportune to remove the item from the Governing Body agenda at the Centenary Session.
- 472.** *The Employer spokesperson* said that the Governing Body appeared to be receiving mixed signals on Myanmar; on the one hand, significant progress appeared to have been made, while on the other hand, a new set of concerns had been raised. The Governing Body would consider removing the current item from its agenda when it observed a genuine change in the Government's approach.
- 473.** The Employers welcomed the signing of the DWCP for Myanmar and its alignment with the Myanmar Sustainable Development Plan. With reference to paragraph 17 of the document on the Settlement of Labour Disputes Law, the Government should consider the use of alternative dispute resolution, which would ensure efficiency, ease of access, low-cost participation and speed of outcome. Moreover, criminal penalties should be legally differentiated from penalties for administrative or civil labour violations. As to paragraph 18, the Labour Organisation Law should be brought into line with Convention No. 87. The Government should truly engage with the social partners when revising the Law and take their input into consideration in order to legislate effectively. It was important that employers and workers should be able to join the organizations of their choice. The Employers were concerned about the current pyramidal administrative structure governing organizations, which prevented employers from creating legally recognized employers' organizations at

the national level. They also considered that Myanmar's laws should not impose restrictive criteria on the composition of executive committees of either employers' or workers' organizations.

- 474.** With regard to the effectiveness of the ILO–ACT/EMP project to strengthen the institutional capacity of employers' organizations, it was evident that the Union of Myanmar Federation of Chambers of Commerce and Industry and the Myanmar Garment Manufacturers' Association were increasingly able to contribute to the process of labour law reform and provide industrial relation services to their members. With respect to the Responsible Supply Chains in Asia project, the Employers were concerned at the lack of initial consultation or engagement with national employers' organizations in the target countries, including Myanmar, and reiterated that the Office should consult not only ACT/EMP and the IOE, but also the relevant national organizations when developing such projects. The Employers may propose an amendment to provide clarification; however, they were willing to consider other proposed amendments.
- 475.** *The Worker spokesperson* said that her group welcomed the signature of the DWCP for Myanmar and the finalization of the Myanmar Sustainable Development Plan. However, she expressed deep concern that both the Independent International Fact-Finding Mission on Myanmar and the CEACR had condemned the persistence of forced labour. The exaction of forced labour had been detected in Kachin and Shan States, as well as among the ethnic Rakhine and Rohingya. Workers had been forced to leave their families and jobs in order to perform numerous hazardous and exploitative tasks, while women had systematically faced abhorrent sexual violence. The CEACR had found that in the vast majority of cases, military personnel responsible for forced labour had received only disciplinary sanctions instead of the criminal penalties prescribed in the national legislation and envisaged in Convention No. 29.
- 476.** The Workers deeply regretted the fact that the Supplementary Understanding had come to an end on 31 December 2018 without being extended and that no credible national complaints mechanism had been established, particularly in view of the 240 new complaints lodged in 2018 and the findings of the aforementioned bodies. The ILO complaints mechanism must remain operational and the Government must immediately intensify its efforts to make the national mechanism operational. The Workers strongly urged the Government of Myanmar to develop, in consultation with the ILO, a time-bound action plan to ensure that the national complaints mechanism was launched and functioned, as well as measures to ensure that workers had access to remedies through the ILO complaints mechanism during the transition period.
- 477.** There were new and serious violations of the right to freedom of association. For example, eight trade union activists had been tried and faced imprisonment for conducting a peaceful protest in Mandalay Region. The charges against the trades unions were based on the Right to Peaceful Assembly and Peaceful Procession Law, which the Ministry of the Interior had previously claimed would not be applied in a manner that would restrict freedom of assembly. The Workers therefore called on the Government to immediately and unconditionally drop the charges and declare the administrative decision to prohibit the protest action unlawful. Moreover, anti-union dismissals had become rampant; workers were particularly exposed to discriminatory behaviour by employers during the registration period of the union and in retaliation for peaceful and legitimate trade union activities. Employers refused to abide by the decisions of the Arbitration Council and were given the minimum fine instead of dissuasive penalties.
- 478.** With regard to the amendments to the Settlement of Labour Disputes Law and the Labour Organisation Law, there were major shortcomings in both the reform process and the substance of the amendments. After years of trying to contribute to the development of

effective tripartite social dialogue and industrial relations, the Confederation of Trade Unions of Myanmar had decided to leave the tripartite mechanism concerning the reform of those laws as the Government refused to take on board workers' comments. The absence of genuine and effective tripartite social dialogue had resulted in very problematic legislative proposals that would take Myanmar even further from compliance with its obligations under Conventions Nos 87 and 98. The proposed amendments to the Labour Organisation Law placed restrictions on the constitution and structure of unions and required them to re-register every two years; placed restrictions on the right to strike; and prohibited temporary workers from joining trade unions.

- 479.** With regard to the impact of foreign direct investment on decent working conditions, she noted that even in the garments sector, trade union activists had been harassed, unfairly dismissed for joining trade unions and, subsequently, blacklisted. Some companies also established management-dominated trade unions in order to crush attempts at genuine representation. Moreover, local and international media had exposed a range of other abusive practices in the supply chains of foreign companies, including surveillance, harassment and inadequate time for toilet breaks.
- 480.** The Workers therefore proposed that the draft decision be amended so that the Governing Body “expressed serious concern over the persistence of forced labour and urged the Government to intensify its close cooperation with the ILO for the elimination of forced labour, including through the development of a time-bound action plan for the establishment of an effective complaints handling procedure and appropriate transitional measures” in subparagraph (b); “expressed concern over the numerous shortcomings in the draft legislation and urged the Government to ensure that labour law reform to promote freedom of association reflected genuine and effective tripartite dialogue and was in line with international labour standards” in subparagraph (c); “called for the immediate and unconditional withdrawal of charges laid against trade unionists for engaging in peaceful protest action” in subparagraph (d); and “requested the Office to report on progress made to the Governing Body at its 337th Session” in subparagraph (f). As to the amendment proposed by the Employers, while the Workers understood that Myanmar had ratified Convention No. 87 and not Convention No. 98, ILO member States were bound by its fundamental Conventions, regardless of whether they had ratified them. In other words, the proposed amendment could create some confusion.
- 481.** *Speaking on behalf of ASEAN, Australia and Japan*, a Government representative of Thailand said that his group welcomed the signing of the DWCP for Myanmar and urged the ILO and its member States to provide the necessary support for its implementation. It also called on the international community to continue its constructive engagement with Myanmar and to assist its Government in its endeavours for the sustainable development of the entire country.
- 482.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Montenegro and Albania aligned themselves with his statement. He welcomed the ILO's engagement in Myanmar to promote labour rights and ratification of the fundamental Conventions. He noted the establishment of the National Tripartite Dialogue Forum and the signature of the DWCP. The EU had collaborated with the Government to improve labour rights, and would continue to do so. A recent EU high-level mission had highlighted several concerns. Cases of forced labour by the Tatmadaw were still being reported, as confirmed by the UN Human Rights Council, and would likely continue owing to the ongoing conflict. He urged the Government to address the use of forced labour by the military, to create the promised national complaints mechanism for cases of forced labour, and to continue to cooperate with the ILO mechanism in the interim. The recent ILO direct contacts mission had recommended bringing the country's labour law in line with ILO Conventions; but current amendments, if adopted,

would represent a step backwards. He urged the Government to address those concerns. The situation of trade unionists and trade unions, including the charges brought against trade unionists in Mandalay, were of concern. Dismissals of, and discrimination against, trade unionists, and barriers to trade union registrations, were clear breaches of freedom of association. The Government should ensure civil liberties both in law and in practice. He expressed support for the draft decision, as amended by the Worker spokesperson and the representative of the United States. He did not support the Employers' amendment.

- 483.** *A Government representative of India* took note of the significant progress made by the Government, including strengthening tripartite social dialogue, reforming labour law, signing the DWCP and finalizing the Myanmar Sustainable Development Plan. He welcomed the Government's commitment to create decent jobs, promote responsible investment, strengthen tripartism, and eliminate forced labour through legislative reform and an updated action plan. He recognized the challenges facing the democratically elected civilian Government to reform institutions, strengthen the rule of law, and promote labour rights, and encouraged the Government's cooperation with the ILO.
- 484.** *A Government representative of the United States* welcomed the tripartite minimum wage review; the signature of the DWCP; engagement with the ILO direct contacts mission; and the promulgation of the Occupational Safety and Health Law. However, he expressed deep concern regarding the lack of progress on key issues, such as forced labour and freedom of association. Despite the Government's efforts, the military continued its systematic use of forced labour. The UN Human Rights Council had corroborated the abuses facing persons subject to forced labour, which included violence and inadequate access to food and water. Following the expiry of the Supplementary Understanding in December 2018, the Government was not in a position to operate a credible and reliable complaints mechanism and victims who filed complaints were not protected. While the military retained influence in the handling of complaints, the ILO complaints mechanism should not be abandoned and the ILO should continue to play a strong role in accepting, tracking and providing technical assistance on the handling of complaints.
- 485.** Planned labour law reforms did not address concerns regarding freedom of association and collective bargaining and, in fact, introduced new restrictions. Several workers' associations had withdrawn from the National Tripartite Dialogue Forum for that reason. The prosecution of trade unionists in Mandalay and the increase in anti-union dismissals were of concern. He urged the Government to reconsider planned amendments to the Settlement of Labour Disputes Law and Labour Organizations Law, in accordance with international labour standards, and accept assistance from the ILO.
- 486.** He recalled that the CEACR had designated the Government's application of Convention No. 29 as serious and urgent. As such, he proposed amending subparagraph (b) of the draft decision by replacing "requested" with "noted the CEACR observations pertaining to Convention No. 29 and urged", and by deleting "under the auspices of the DWCP". Finally, as it was clear that the Governing Body would need to discuss the case of Myanmar further, he proposed adding a new subparagraph (e), to read, "placed a review of this issue on the agenda of the 337th Session of the Governing Body". However, he was prepared to discuss the amendments proposed by the Worker spokesperson in order to reach consensus.
- 487.** *A Government representative of China* took note of the Government's cooperation with the ILO to eliminate forced labour and promote workers' rights, leading to the signature of the DWCP and adoption of the Occupational Safety and Health Law. A joint parliamentary committee had been established to amend the Constitution to protect labour rights. He therefore supported the Government's request to remove the current item from the agenda of the Governing Body and to transform the ILO Liaison Office into a Country Office. He supported the amendment to the draft decision proposed by the Employer spokesperson.

488. *A Government representative of Canada* noted the signature of the DWCP, finalization of the Myanmar Sustainable Development Plan, and the updated road map to guide the work of the National Tripartite Dialogue Forum. However, much work remained to be done. Given the persistence of forced labour and human trafficking, the Government should establish an independent national complaints mechanism and appropriate transitional measures, and update its Action Plan for the Elimination of Forced Labour. She called on the Government to: strengthen and safeguard freedom of expression and association and the right to peaceful protest and assembly; establish safe working environments for all workers; ensure workplace protections for equality and non-discrimination; and introduce measures to prevent school dropout and combat child labour. All labour law reform should be consistent with international labour standards and result from effective tripartite dialogue. She welcomed the ILO's efforts to promote responsible business when assessing foreign direct investment projects, and said that the UNDAF should reflect that work. She supported the draft decision.
489. *A Government representative of the Russian Federation* welcomed the information provided on efforts to increase the quality of social and labour relationships, eliminate forced labour, guarantee freedom of association and strengthen tripartite dialogue. He also welcomed the signature of the DWCP and labour law reforms, noting the close cooperation between the ILO and the Government. He encouraged ongoing efforts to strengthen the culture of tripartism in Myanmar. Finally, he supported the original draft decision.
490. *A Government representative of Bangladesh* expressed deep concern regarding the use of forced labour by the Tatmadaw, as corroborated by the UN Human Rights Council. He called on the Office to take the necessary measures to address all forced labour cases, particularly those perpetrated in conflict settings. The Government should ensure that the updated Action Plan for the Elimination of Forced Labour included elimination of forced and child labour in Rakhine State. Furthermore, the Office must recognize the allegations of deprivation and discrimination against the Rohingya population in Rakhine State, and help to generate decent work and build resilience, to facilitate the voluntary return of Myanmar nationals from Bangladesh. He noted the signature of the DWCP, and urged the Government to give special attention to the Rohingya population during its implementation. Finally, he urged the Office to follow up on its skills development project in Rakhine State.
491. *The Employer spokesperson* took note of the perspectives put forward by the constituents and the Office, and said that his group shared the concerns expressed regarding the Rohingya people and the people of Rakhine State, in particular the risk of forced labour.
492. Turning to the draft decision, he accepted the new subparagraph (f) proposed by the Worker spokesperson, as there was a clear consensus that the Governing Body should retain the item on its agenda. He withdrew the amendment he had proposed to subparagraph (c), in light of the Government's intention to consider ratifying and applying more international labour standards. Moreover, the subparagraph referred specifically to freedom of association, and the Government had already ratified the relevant Convention. He did not accept the amendment proposed by the Worker spokesperson to that subparagraph, as information had been provided regarding the planned tripartite legislative reform process, and his group would prefer to wait to see what steps were taken before expressing serious concern. Recognizing the need to reflect on the serious concerns regarding forced labour, he suggested combining the amendments proposed to subparagraph (b), so that the beginning of the subparagraph would read, "expressed serious concern over the persistence of forced labour, noting the CEACR observations pertaining to Convention No. 29, and urged the Government ...". He would prefer to retain the phrase "under the auspices of the DWCP", as that was the agreed tool for such issues. The Liaison Officer had already explained that the process was under way to create a national complaints handling procedure, as referred to in subparagraph (b), and so he proposed deleting the words "and appropriate transitional measures" from the end of the subparagraph. Finally, while he agreed that it was concerning

that protesting workers had been arrested, he said that the proposed new subparagraph (d) should express the Governing Body's concern and request information rather than calling for the release of the trade unionists. He asked the Liaison Officer to provide an update on the case.

- 493.** *The Worker spokesperson* asked whether the Governing Body would discuss the decision or whether a drafting group could be formed to finalize a text.
- 494.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania agreed to join a drafting group.
- 495.** *A Government representative of the United States* agreed to join a drafting group. To provide a basis for those discussions, he said that in subparagraph (b) the reference to the DWCP aimed to identify an effective alternative enforcement mechanism. He agreed to the proposals of the Worker spokesperson to amend subparagraph (c) and introduce subparagraph (f). Concerning the proposed new subparagraph (d), he would prefer that a reference to the detained workers be retained, but agreed to a general comment ensuring that the Government would enforce the basic principle of freedom of association.
- 496.** *A representative of the Director-General* (ILO Liaison Officer for Myanmar) said that, regarding the trade unionists in Mandalay, charges had been brought under a regional bylaw after the conclusion of a peaceful demonstration, on the basis that the organizers of the demonstration were not from the region and that the subject of the demonstration was not a regional issue. The trade unionists had posted bail, but could face six months in prison or a fine. Concerning a transitional arrangement for handling forced labour complaints until a national mechanism could be established, the Government had indicated that complaints may be submitted to the High-Level Working Group, which was still operational despite the expiry of the Supplementary Understanding. That should not be understood to be an extension of the Supplementary Understanding, but rather an interim measure. Finally, he said that the Governing Body had supported the development of the DWCP for two years. It had requested that forced labour should remain a core component of that Programme, and the decision to establish a national complaints mechanism had emerged during the DWCP development process.
- 497.** *A Government representative of Myanmar* affirmed that information received by the permanent mission from the international labour union was immediately brought to the attention of the highest authorities in Myanmar. The mechanisms to be used until the national complaints mechanism was in place and operational were clearly outlined in the updated Action Plan for the Elimination of Forced Labour: until such time as the national mechanism was in place and operationalized, complaints received by the ILO would be submitted to the High-Level Working Group for necessary investigation; complaints to the ILO regarding underage recruits whose circumstances of recruitment fell within the mandate of the Country Task Force for Monitoring and Reporting (CTFMR) after 1 January 2008 would be referred to that body, while all other forced labour complaints would be handled by the High-Level Working Group. That group would continue to process cases of forced labour received by the ILO under the Supplementary Understanding prior to 31 December 2018. His Government had rejected the report of the Independent International Fact-Finding Mission on Myanmar, which lacked impartiality and objectivity. It had also rejected the establishment of the Mission.
- 498.** *The Chairperson* proposed deferring the matter to a drafting group composed of the Workers' group, the Employers' group, the EU, the United States and any other delegation that wished to join, and asked the group to present the document to the Governing Body in the afternoon.

499. *The Worker spokesperson* read out the draft decision as amended by the drafting group, made up of representatives of the Workers' group, the Employers' group, the United States, the EU and ASPAG.
500. *A Government representative of Myanmar* said that it was a sad day for his country, the Governing Body and the ILO. During discussions, many delegates had recognized the significant progress made in his country and he was therefore disappointed at the one-sided nature of the draft decision. His Government was committed to continuing its efforts to promote and protect labour rights for the benefit of all people in Myanmar.

Decision

501. *Having considered the report submitted by the Director-General, the Governing Body:*
- (a) *welcomed the signing of the Decent Work Country Programme (DWCP) for Myanmar in September 2018, and encouraged Myanmar to fully engage with its implementation and other member States to support these efforts;*
 - (b) *expressed serious concern over the persistence of forced labour, noting the CEACR observations pertaining to Convention No. 29, and urged the Government to intensify its close cooperation with the ILO for the elimination of forced labour including under the auspices of the DWCP, and through the development of a time-bound action plan for the establishment of, and transition to, an effective complaints handling procedure;*
 - (c) *expressed concern over the important shortcomings in the draft legislation and urged the Government to ensure that labour law reform to promote freedom of association reflected genuine and effective tripartite dialogue and was in line with international labour standards;*
 - (d) *called on the Government to implement the recommendations of ILO supervisory bodies to ensure there were no restrictions or intimidations of workers and employers in the exercise of their fundamental rights at work, and raised concerns regarding recent charges laid against trade unionists engaging in peaceful protest action;*
 - (e) *encouraged the Government to promote decent work through responsible investment policies in line with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and*
 - (f) *requested the Office to report on progress made to the Governing Body at its 337th Session (October–November 2019).*

(GB.335/INS/12, paragraph 30, as amended by the Governing Body)

Thirteenth item on the agenda

Reports of the Committee on Freedom of Association

388th Report of the Committee on Freedom of Association ([GB.335/INS/13](#))

Presentation of the Committee on Freedom of Association annual report for the period 2018 ([GB.335/INS/13\(Add.\)](#))

- 502.** *The Chairperson of the Committee on Freedom of Association* said that the CFA had 172 active cases before it, 19 of which had been examined on their merits. The CFA had engaged in a very constructive dialogue and received government replies concerning all the cases examined. He had engaged in several discussions with various member States and two groups, GRULAC and ASPAG. Such discussions were based on the understanding that the objective of the CFA was not to mete out punishments, but rather, to encourage member States to uphold their obligations, which were central to the ILO's mandate, and to assist them in that regard.
- 503.** He wished to draw the attention of the Governing Body to matters concerning Burundi, China, Haiti, Japan, Madagascar, Mauritania and Zimbabwe where government replies were awaited and once again urged those countries to provide the CFA with information so that it could take into account the views of all parties. He understood that some of those governments had sent information to the CFA following its recent sitting and expressed the hope that the others would send information no later than 7 May, so that it could be taken into account at its next sitting in June.
- 504.** The CFA had examined seven cases in which the governments concerned had kept it informed of the effect given to its recommendations. It had also completed its examination of two cases concerning Indonesia and commended the Government of Indonesia for facilitating the negotiation of an agreement between the parties. He wished to draw the attention of the Governing Body to two serious and urgent cases, the first of which concerned Bangladesh and involved the murder of a trade unionist. To the Government's credit, the alleged perpetrator had been tried in absentia and sentenced in accordance with due process of the law; however, the lack of follow-up in terms of tracking the perpetrator and the allegation that the security forces might have been involved in the murder was a source of great concern. The CFA hoped that the Government of Bangladesh would pursue the case to its logical conclusion. The second serious and urgent case related to El Salvador and also involved the murder of a trade unionist. He had met with the Government representative of El Salvador, who had indicated that there was a new Prosecutor General in her country and that her Government was committed to ensuring that the case was investigated appropriately. The CFA encouraged the various agencies involved in the case to coordinate their actions to ensure that investigations were concluded as soon as possible. Lastly, he expressed the hope that the CFA's annual report for the period 2018 would lead to a better understanding of its work.
- 505.** *The spokesperson for the Employer members of the Committee* said that he wished to draw the attention of the Governing Body to the significant workload of the CFA, as it would take

roughly ten sessions for the CFA to examine the 364 cases (active and follow-up) currently before it. He also wished to point out that there had been a dramatic increase over the past decade in the number of cases coming from Latin America, which currently accounted for 70 per cent of the active cases before the CFA. Moreover, all the cases examined in 2018 had been submitted by workers' organizations, half of which involved the private sector and 21 per cent of which involved the public and private sectors.

- 506.** The high number of cases in general, and especially from Latin America, posed a challenge to the workload of the CFA, which was why it had decided, where appropriate, to combine and examine various complaints that alleged the same general violations of freedom of association in a single case and to give priority to the most serious and urgent cases. The Employers welcomed the reference to the mandate of the CFA in paragraph 1 of the appendix to the annual report, which clearly established that the scope of the CFA was based on the principles of freedom of association and collective bargaining enshrined in the Constitution of the ILO and in the Declaration of Philadelphia and explained why the CFA examined complaints from any member State, regardless of whether it had ratified Conventions Nos 87 and 98.
- 507.** The Employers remained fully committed to improving the working methods of the CFA and had already enabled clarification on the differences between active, follow-up and closed cases and the various types of reports. Furthermore, the tripartite members of the CFA had asked to have access to all the files for each case, so that they would be able to personally evaluate the content of each complaint, the Government's reply and any additional documents submitted as evidence of the alleged events. Such access would be granted at the next sitting.
- 508.** With regard to Case No. 3278 concerning a legislative reform in the building and construction industry in Australia, it was interesting to note that the Government's reply had expressly stated that the restrictions to collective bargaining and the content of collective agreements under the Code for the Tendering and Performance of Building Work 2016 balanced the right of employees to negotiate their terms and conditions of employment with the need to ensure that employers, particularly small subcontractors, were able to manage their businesses efficiently and productively. As to Case No. 3206 concerning Chile, it should not have come before the CFA in the light of the total absence of evidence to support the four main allegations. Similarly, Case No. 3253 concerning Costa Rica presented incomplete information and discrepancies regarding the anti-union nature of the dismissals of trade union leaders and members. Lastly, the Employers recommended that the governments mentioned in paragraphs 6 and 8 of the 388th Report send their replies by 7 May.
- 509.** *The spokesperson for the Worker members of the Committee* said that the CFA had carefully considered two serious and urgent complaints of systematic violations of freedom of association, which included acts of violence occasioning injury and even death. She wished to emphasize that the failure to fully investigate such allegations had a chilling effect on the wider social climate in the country and reinforced a climate of impunity and insecurity, in which rights to freedom of association could not be effectively exercised.
- 510.** Case No. 3203 of Bangladesh related to numerous allegations of systematic and repeated anti-union acts, including violence and murder, along with a lack of law enforcement, public hostility shown by the Government to trade unions, misuse of registration provisions and arbitrary denial of registration. The CFA had previously requested the Government to conduct an investigation into the various allegations of security force involvement and to take other steps to guarantee trade union rights, but had been obliged to repeat its request.

- 511.** Case No. 3263, which also related to Bangladesh, involved complaints of arbitrary arrest and detention of trade union leaders and activists, death threats and intimidation while in police custody, false criminal charges, surveillance and intimidation. Moreover, a new serious allegation had recently been received concerning violent police repression of a peaceful demonstration by garment workers, in which many workers had sustained injuries and one worker had died. The CFA had once again urged the Government to institute an independent inquiry, and firmly expected the police to receive instructions to prevent any repetition of interference in trade union activities.
- 512.** Case No. 2923 concerning El Salvador had been before the CFA since 2013 and involved the murder of a trade union leader who had previously received death threats. The Government had nevertheless reported that the police had considered an anti-union motive to be unlikely. The CFA had once again urged the Government to take urgent steps to ensure a full and coordinated investigation, so that any evidence of the anti-union nature of the murder could be taken into account. Regarding Case No. 3120 concerning Argentina, a report on the outcome of legal proceedings to challenge the law in the Supreme Court of Mendoza purporting to restrict collective bargaining and freedom of association was awaited, as well as information on any government measures necessary to ensure freedom of association following that decision.
- 513.** She recalled, once again, that the purpose of the Committee's work was to assist Governments during examinations of alleged infringements and to realize freedom of association and the effective recognition of the right to collective bargaining. She thanked Governments that had provided their observations in good time, thereby furnishing the Committee with up-to-date information on cases and improving its efficiency.
- 514.** Noting the increase in the proportion of complaints from Latin America, she welcomed the Chairperson's approach to identifying and discussing the causes of that rise, and potential solutions, with the relevant Governments.
- 515.** *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Japan, Lesotho, Nigeria, Panama and Switzerland, the Government member from Switzerland said that the 388th Report was the result of fruitful discussion on the analysis of individual cases and the working methods of the Committee. The Committee's annual report for the period 2018 was a good basis for productive discussions between the regional groups. Discussions had already begun and, for the Governments, transparency was key to creating an atmosphere of trust. She encouraged such regular exchanges with Governments. The Committee had appointed ad hoc committees to ensure that the rules and procedures of article 24 of the Constitution were upheld. Discussions had been held on the Committee's potential contributions to the Centenary Session of the Conference and to the world on the occasion of the Centenary.
- 516.** *Speaking on behalf of GRULAC*, a Government representative of Brazil thanked the Chairperson of the Committee for facilitating dialogue and transparency and expressed a commitment to continuing that working relationship in the interests of GRULAC and, more broadly, the ILO. He asked the Office to provide, in future, at least one week for members of the Governing Body to study reports before their discussion. GRULAC had adhered to the scheduled timetable at the current session in spite of the short time provided for studying the report in a spirit of compromise and on the understanding that the Office would provide more time for study in the future. The fact that his region accounted for the highest proportion of cases considered by the Committee was a source of serious concern for GRULAC and also led the group to question the efficiency and effectiveness of the Committee. He welcomed the measure in place to close cases that had not received responses from a Government or the complainant in 18 months and the announcement of that closure online. However, the basis upon which a new case with the same substance was allowed to

be submitted thereafter and the criteria according to which a case was deemed to be sufficiently serious as to not be subject to the 18-month measure were unclear. He requested clarifications on those issues from the Chairperson of the CFA. Regarding the grouping of cases, some instances could lead to bias towards new allegations that were presented only to keep a case open and could lead to legal uncertainty for Governments. He suggested that the Committee should consult the relevant Government on the grouping of cases. He welcomed the prioritization of urgent cases and the grouping of old cases. In the context of the ongoing strengthening of the normative process, the work of the subcommittee to conduct preliminary reviews of existing cases and draft a list of cases mindful of urgency and equitable geographical distribution was important. GRULAC had been calling for the establishment of clear and objective receivability criteria, without undermining workers' labour rights, to enable the Committee and constituents to study cases and responses. The Committee should take into consideration potential best practices that could exist at the national level, especially in relation to conflict resolution. He asked the Office to take into consideration existing efforts to resolve conflicts at the national level and to investigate the possibility of applying the same suspension mechanism, or other internal measures under article 24 of the Constitution, to the CFA. He urged the Committee to fully consider relevant information provided prior to sessions.

- 517.** *The Chairperson of the Committee on Freedom of Association* acknowledged the significant progress being made. He confirmed that a case would be closed after 18 months and any new cases would be examined as appropriate. The joining of cases was an improvement in working methods as it avoided duplication. He assured GRULAC that the Committee had taken note of its comments and would report back to the Governing Body.
- 518.** *Speaking on behalf of GRULAC*, a Government representative of Brazil emphatically thanked the Chairperson of the Committee for his transparency and openness to genuine dialogue while preserving the independence of the Committee. He asked the Office to clarify its plans to ensure that the Committee's report to be discussed at the 337th Session of the Governing Body was circulated at least one week in advance of its discussion.
- 519.** *A representative of the Director-General* (Director, Official Meetings, Documentation and Relations Department (RELMEETINGS)), in response to the request for an earlier publication of the reports of the CFA, said that, provided that the members of the Committee were willing and prepared to submit their finalized report one day earlier, the Office could publish the report on the Friday of the first week. If the adoption of the report was then postponed to the following Thursday, the last day of the Governing Body, the Governing Body would have five working days to examine the report.
- 520.** *The spokesperson for the Worker members of the Committee* raised concern about scheduling the adoption of the report on the final day of the Governing Body session, as the matter concerned all Governing Body members, yet some members might have left before the end of the final day of the session.
- 521.** *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group was flexible regarding the day the report was to be adopted, but insisted on sufficient time – at least one week – to examine the content of the report, consult and form a fully-informed opinion, as his group took the work of the Committee very seriously.
- 522.** *A Government representative of Bangladesh* took note of the Report of the CFA and its conclusions regarding Case No. 3203 concerning Bangladesh. Her Government had no reason to harbour any anti-union attitude or discrimination; on the contrary, it had been making consistent efforts to uphold labour rights across all sectors. Moreover, the incumbent Minister of Labour and Employment had been a trade union leader all her life. As noted by the Committee, the Government remained seized of issues involving trade unions and, in

most cases, had taken prompt initiatives to address grievances or complaints through tripartite consultations. The Government had amended the Bangladesh Labour Act to strengthen institutional measures to that end, which included the incorporation of a set of standard operating procedures to further streamline trade union registration procedures and related grievance redress mechanisms. In response to alleged anti-union activities at enterprise level, the Government usually intervened through tripartite consultations, including by establishing dedicated committees for rapid and effective remedial measures, an approach that had proven most effective in the context of industrial relations and had been useful in most of the cases considered by the CFA. For serious allegations, there was scope for on-site investigation by the Department of Labour, which was authorized to refer any case to the labour courts. Cases referred to those courts, such as those concerning enterprises (b) and (h), remained outside of the Government's control. The issue of trade union registration in enterprise (l) remained pending before the High Court Division. The Committee must be mindful of the restrictions on government intervention in ongoing judicial proceedings. Under the Bangladesh Labour Act, trade union registration may be cancelled only on the grounds of unfair labour practices. That provision had never been invoked, let alone misused. Furthermore, two amendments had been made to the Bangladesh Labour Act to curtail the authority of the Director-General of the Department of Labour in respect of cancelling trade union registration on the grounds of violation or contradiction of trade union constitutions. Her Government did not condone any assault on the physical or moral integrity of workers. Bangladeshi law enforcement personnel were trained in crowd control measures and refrained from committing excesses or aberrations, unless in self-defence or to protect civilian lives or property. Any alleged excesses were investigated through established legal and administrative procedures with systematic follow-up. In the case of grave allegations, multiple inquiries were conducted by the relevant bodies and authorities. Existing legal and administrative processes were sufficient. Concerning the trial for the 2012 murder of a trade unionist, the accused had been convicted and the judicial process had found no proof of the alleged involvement of the security forces. It was unclear why the Committee continued to speculate on that matter.

Decision

523. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–72, and adopted the recommendations made in paragraphs: 84 (Case No. 2817: Argentina); 108 (Case No. 3120: Argentina); 165 (Case No. 3278: Australia); 183 (Case No. 3203: Bangladesh); 204 (Case No. 3263: Bangladesh); 229 (Cases Nos 3285 and 3288: Plurinational State of Bolivia); 258 (Case No. 3206: Chile); 287 (Cases Nos 3246 and 3247: Chile); 310 (Case No. 3253: Costa Rica); 328 (Case No. 3304: Dominican Republic); 339 (Case No. 2923: El Salvador); 361 (Case No. 3222: Guatemala); 395 (Case No. 3286: Guatemala); 425 (Case No. 3305: Indonesia); 441 (Case No. 3296: Mozambique); 458 (Case No. 2902: Pakistan); 476 (Case No. 3158: Paraguay), and adopted the 388th Report of its Committee on Freedom of Association as a whole.*

(GB.335/INS/13)

Outcome

524. *The Governing Body took note of the second annual report of the Committee on Freedom of Association, which covers the period 2018.*

(GB.335/INS/13(Add.), paragraph 4)

Fourteenth item on the agenda

Report of the Director-General

Main report

([GB.335/INS/14\(Rev.\)](#))

525. *The Worker spokesperson* welcomed the countries that had ratified important Conventions including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Despite the progress made in international labour legislation, further ratifications by member States were necessary. In particular, 60 member States, including three of chief industrial importance, had not yet ratified the 1986 Instrument for the Amendment of the ILO Constitution. In view of that, the Workers' group encouraged governments and social partners to push for further ratification.
526. *Speaking on behalf of ASPAG, the Eastern European group, GRULAC, IMEC and the Western European group*, a Government representative of Azerbaijan regretted that a number of important documents contained in the Director-General's report had been published after the deadline established in the Standing Orders of the Governing Body and urged the Office to address that issue. With regard to the documents required for meetings taking place immediately after or before the Governing Body, such as the CFA, the Government group asked the Office to redouble its efforts to publish the relevant documents on time. Given the breadth, depth and national repercussions of the CFA Report, it should be made available by the end of the first week of the Governing Body for discussion on the penultimate day of the session. Bearing in mind that the internal procedures of certain governments required a one-week deadline prior to discussions, the Government group proposed deferring such discussions to the last day of the session.
527. *The Employer spokesperson* reiterated the need for further ratifications of ILO Conventions, particularly the Protocol of 2014 to the Forced Labour Convention, 1930. Moreover, he stressed the role of implementation of ratified international labour standards.
528. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He regretted that many of the documents discussed at the 335th Session had been distributed by the Office after the deadline established in the Standing Orders of the Governing Body, and that on many occasions, the Spanish and French versions of the documents were made available several days after the English versions. That resulted in certain logistical problems for some of the permanent missions in Geneva. He reiterated the need to respect that deadline and requested that the Office take the appropriate steps to prevent such shortcomings. With regard to the CFA, many of the cases concerned countries from Latin America and the Caribbean. It was therefore necessary that the CFA report be made available during the first week of the Governing Body at the latest, to allow sufficient time to prepare for internal discussions of the cases.
529. *Speaking on behalf of the Africa group*, a Government representative of Lesotho welcomed the report of the Director-General. The Africa group expressed particular appreciation for the new ratifications of international labour Conventions, as well as for the appointment of three directors for country offices in Dakar, Lusaka and Yaoundé. While the group commended the Office for its efforts to publish the documents contained in the report in the three working languages, it reiterated the requests from other members to publish them before the deadline.

530. *The Employer spokesperson* echoed the sentiments expressed by the Government group concerning the timely publication of documents for discussion at the Governing Body. In connection with the CFA report, the Employers' group considered that an arrangement could be made, as had been suggested by the Government of Brazil.
531. *The Director-General*, in response to the statements made by the members of the Governing Body, expressed regret that a number of documents appeared after the established time limits. The Office would do its best to meet the requests of the Government group to redouble its efforts to ensure the situation did not recur. The question on the CFA report was a different kind of request however, as it proposed modifying established and agreed arrangements within the Governing Body. Producing such a substantial document involved several challenges which would be further investigated and addressed in due course.

Outcome

532. *The Governing Body took note of the information contained in document GB.335/INS/14(Rev.) concerning membership of the Organization, progress in international labour legislation, internal administration, and publications and documents.*

(GB.335/INS/14(Rev.), paragraph 15)

Obituary

([GB.335/INS/14\(Add.\)](#))

Mr Georges Polites

533. *The Employer spokesperson* expressed deep and sincere condolences to the family of Mr George Polites, long-serving Employer member of the Governing Body and delegate to the International Labour Conference. Having lived to the age of 100, Mr Polites would be remembered as a great business leader and a great human being.
534. *An Employer member from Australia*, echoing the sentiments expressed by the Employer spokesperson, paid tribute to Mr Polites as a giant of industrial relations in Australia. A great negotiator and a master of social dialogue, Mr Polites sought to promote the rights and interests of employers and workers worldwide.
535. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan joined in expressing condolences to the family of Mr George Polites, as well as to the Employers' group. Furthermore, the Government group wished to express its deep sadness at the tragic events that had recently happened in Ethiopia and New Zealand, which had taken the lives of hundreds of innocent people, including a number of UN staff. The group conveyed its sympathy to and solidarity with the victims' families and the governments and people of Ethiopia and New Zealand.
536. *Speaking on behalf of ASPAG and Australia*, a Government representative of Australia also paid tribute to Mr George Polites and offered sincere condolences to his family and friends. Mr Polites had been a driving force behind the formation of the Confederation of Australian Industry (CAI) in 1977 – the first unified peak body for all Australian business sectors. He had created a united employer voice as Secretary of the Australian Council of Employer Federations (ACEF) and had been appointed the inaugural Director-General of the CAI. Mr

Polites had made major contributions to advancing the interests of the Australian employers, the Governing Body and the ILO itself.

537. *A Government representative of Poland* further echoed the tribute paid to Mr George Polites.
538. *The Worker spokesperson* joined in expressing condolences to the family of Mr George Polites, an inspirational figure for the ILO. The Workers' group also reiterated the remarks by the Government representative, regarding the very tragic events that had recently occurred in Ethiopia and New Zealand.
539. *The Director-General* expressed a personal tribute to Mr George Polites, who had been present in a large part of the history of the ILO. In particular, Mr Polites had played a significant role as Employer spokesperson in the CAS at a time when matters of extraordinary historic importance were being dealt with.

Decision

540. *The Governing Body paid tribute to the memory of Mr George Polites and invited the Director-General to convey its condolences to the family of Mr Polites and to the Australian Chamber of Commerce and Industry (ACCI) and the International Organisation of Employers (IOE).*

(GB.335/INS/14(Add.), paragraph 6)

First Supplementary Report: Reports of the 20th International Conference of Labour Statisticians

(Geneva, 10–19 October 2018)

([GB.335/INS/14/1](#))

541. *The Worker spokesperson* said that his group welcomed the adoption of resolution I concerning statistics on work relationships, particularly its new breakdown relating to employee status. He supported the inclusion of a separate category for dependent contractors and approved of the agreed methodology to measure SDG indicator 8.8.2 on labour rights based on ILO textual sources, as adopted through resolution II. Noting the request by the SDG global reporting system, he said that the Office should make the necessary internal arrangements to produce and report on the indicator to the UN and that his group agreed to make provision in future programme and budgets ensuring regular budgetary resources for its implementation. He welcomed resolution III concerning the methodology of the SDG indicator 8.b.1 on youth employment as well as the four sets of guidelines. The guidelines concerning statistics of international labour migration and those concerning the measurement of forced labour would be instrumental in assisting countries in identifying necessary measures to prevent and eliminate the use of forced labour, to grant protection to victims of forced labour and access to effective remedies, and to sanction its perpetrators. The guidelines concerning measurement of qualifications and skills mismatches of persons in employment would result in improved measurement of labour underutilization. The measurement of employment in, and the economic contribution of, cooperatives would improve as a result of the guidelines concerning statistics of cooperatives. On the understanding that revised Standing Orders would be submitted to the 21st International Conference of Labour Statisticians (ICLS), the Workers' group expected them to reflect the long-standing ICLS practice of providing workers' and employers' representatives with the right to move motions and amendments reflecting the tripartite nature of the ILO and to be

devoid of all inappropriate language in relation to gender. Endorsing the development of better statistics on non-national public sector employment, he supported the draft decision.

- 542.** *The Employer spokesperson*, noting the decisions made on many issues and the complexity of the committee negotiations at the 20th ICLS on concepts such as “dependent contractor” within the framework of the resolution concerning statistics on work relationships, said that his group looked forward to the Office implementing paragraph 140(d) of resolution I on future work. He requested the Office to hold an information session for constituents on the outcome of pilot tests and on progress made on the other points relating to the implementation of conceptual and methodological work far in advance of the next ICLS. With regard to SDG indicator 8.8.2, he supported the consensus reached after much time refining and adjusting the methodology. He noted that the review and consideration of the ILO’s six textual sources as well as of national legislation for non-ratifying member States had resulted in the establishment of the indicator. Turning to the cost estimate of US\$860,000 to implement the resolution, he said that the Office should cut costs where possible, particularly in light of the programme and budget proposals and 4 per cent increase of the budget. The Office must follow a refined methodology of realizing SDG indicator 8.8.2 in a financially sustainable manner with regular budget allocations. The group expressed its wish to avoid politicizing the discussions relating to the indicator.
- 543.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the items placed on the agenda of the 20th ICLS were relevant and timely. His group reiterated that it would be necessary to periodically review the international standards of statistics of work. Revision of the International Classification of Status in Employment 2018 (ICSE-18) was appropriate in order to reflect the changing nature of the world of work. Noting the resolution concerning the methodology of SDG indicator 8.8.2 on labour rights, he said that the indicator should not be used for any ranking purposes. It would be necessary to consider national circumstances and the specificity of countries. Turning to the resolution concerning youth employment, ASPAG underlined the importance of creating strategies for youth employment. Further work regarding the guidelines concerning statistics of cooperatives would be needed. The group welcomed the guidelines on the measurement of qualification and skill mismatches of persons in employment in addition to those concerning statistics of international labour migration. Requesting the Office to produce more statistics on those areas, ASPAG supported the draft decision.
- 544.** *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire noted the outcomes of the Conference, emphasizing the importance of statistics in the future of work, the link between decent work and the SDG indicator framework, revision of guidelines on work relationships, and the revision of the methodologies of the SDG indicators 8.b.1 on youth employment and 8.8.2 on labour rights, for which the ILO was a custodian. The latter in particular would improve the effectiveness of data monitoring regarding freedom of association and the right to collective bargaining. As such, his group approved the action requested of the Office in paragraph 8, for which sufficient funds should be allocated. He supported the draft decision.
- 545.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that it was timely that the Conference had adopted a resolution that captured the complexity of modern work relationships, including in non-standard forms of employment. The resulting statistical framework should be implemented to drive policy change, and she welcomed the flexibility regarding the new category of dependent contractors. Noting that the resolution on SDG indicator 8.8.2 had reaffirmed the ILO’s role as custodian for that indicator, and that the UN had upgraded that indicator to Tier II, she asked the Office to elaborate on its plans to build capacity to implement that resolution, and on the composition and work of the proposed tripartite committee. She asked how the Office planned to promote the resolution on child labour, which clarified definitions relating to child labour and types of work, and

how the Office would operationalize the new guidelines on forced labour, which would help to track the prevalence of forced labour and identify its causes and dynamics. She expressed strong concern that the revision of the Standing Orders was planned for the next Conference. A discussion on Standing Orders was not appropriate for a meeting of technical experts, and should be the mandate of the Governing Body. Finally, she asked whether the envisaged US\$860,000 would be allocated from existing resources following adoption of the Programme and Budget for 2020–21. Subject to an answer to her last question, the group would support the draft decision.

- 546.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia aligned themselves with his statement. He said that he supported the statement delivered on behalf of IMEC. He welcomed the outcomes of the Conference, which were very timely given the current focus on the future of work and would facilitate statistical cooperation with international agencies and partner countries. He noted in particular the resolution on work relationships, which would facilitate the capture of data on non-standard forms of employment and consequently the development of appropriate policies to ensure that all work was decent work. In light of the work of the statistical office of the EU (Eurostat) he particularly welcomed the clarity regarding dependent workers and self-employment. The resolution would produce coherent and comparable data to support evidence-based decision-making in areas such as working conditions, social protection and taxation. The new classification would also support research into the extent and implications of casual work and other non-standard forms of employment being undertaken by the European Foundation for the Improvement of Living and Working Conditions (Eurofound). Welcoming the resolution on the SDG indicator 8.8.2 and the decision to upgrade that indicator to Tier II, he said that the proposed related tripartite committee should be subject to further discussion by the Governing Body. The adoption of guidelines on forced labour would assist States' understanding of that issue. His group supported the draft decision.
- 547.** *A Government representative of Nepal* recalled his Government's participation in the Conference, and called on the Office to fully implement its outcomes. He supported the draft decision.
- 548.** *A Government representative of Brazil* said that while it respected the work carried out on the methodology for measuring the SDG indicator 8.8.2, his Government would need more information before agreeing to the resource allocation requested. He asked which activities would be financed with those funds. He expressed particular concern regarding the need to ensure the independence and objectivity of the external consultants hired to code the alleged violations and asked how they would judge what constituted a violation and what ranking would be produced as a result of the coding process.
- 549.** *A representative of the Director-General* (Director, Department of Statistics (STATISTICS)) said that the discussion on work relationships, at the request of the previous ICLS, had been deliberately planned to tie in with the ILO Centenary. The Office had already begun work to support implementation of the new classification by national statistical systems. A pilot exercise had led to the introduction of some flexibilities noted by representatives, and he recognized the request for further work to develop guidelines on the new categories, such as dependent contractors and multi-party work arrangements. He thanked Eurostat and other regional and national statistical bodies for their support in preparing and implementing the resolution. The Office had already begun to implement the guidelines on forced labour and the resolution updating the previous child labour framework, which now contained specific pilots and measurements to be developed. The Office would provide an update on implementation as requested.

550. Turning to the budget concerns, he said that the work and composition of the proposed tripartite committee were outlined in the methodology of the SDG indicator 8.8.2, which was exceptionally contained in the resolution itself owing to the complex discussions that had led to the consensus outcome. That included how the external consultants would be chosen, how the coding of violations would be carried out, and how the objectivity of the process would be assured. As the custodian for that indicator, the ILO was now urgently implementing processes to enable reporting. The proposed tripartite committee would be further discussed by the Governing Body, but he drew attention to its concrete mandate as stated in the resolution, to refine the indicator, in line with the agreed methodology, if required for technical reasons. The allocation of resources required for that work, which was now an additional task for STATISTICS, would have to be further clarified at the 337th Session of the Governing Body when dealing with the Programme and Budget 2020–21. The Office would be proposing that a new multidisciplinary area should be created within STATISTICS, comprising lawyers, economists and statisticians. The skills requirements of those staff members, and indeed of the external consultants, clearly resulted from the agreed methodology. The methodology outlined an exhaustive set of rules regarding the work of the coders, which would transform the six textual sources into a number. The budget had been based on a past academic exercise and similar methodologies, which aimed to quantify the input that would be required for the work to be successful. It was not envisaged that the external consultants – five or six independent coders with knowledge of the ILO’s supervisory system – would be regular budget positions. While some costs would be absorbed by the Office, where cross-cutting issues were already being addressed, the US\$860,000 would likely have to be found once the Programme and Budget for 2020–21 had been adopted.

551. *A Government representative of Brazil* said that he had sought clarification because the methodology to measure SDG indicator 8.8.2 was very complex and not all constituents were statisticians. Furthermore, not all answers could be clearly identified within the discussions that had taken place at the Conference. However, he was prepared to trust the Office that the work carried out would be objective.

Decision

552. *The Governing Body:*

- (a) took note of the reports of the 20th International Conference of Labour Statisticians (ICLS);*
- (b) endorsed the recommendations of the 20th ICLS and requested that, subject to the availability of resources, these be taken into account by the Office in its future programme of work, particularly the newly adopted guidelines and the SDG indicators recently upgraded to Tier II by the United Nations;*
- (c) requested the Director-General to include in the Programme and Budget for 2020–21 a provision, which is estimated at US\$860,000, to implement resolution II concerning the methodology of SDG indicator 8.8.2 on labour rights, to be reported on annually by the ILO; and*
- (d) authorized the Director-General to promote the report of the proceedings of the 20th ICLS among;*

- (i) *the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the four resolutions contained in Appendix 3 to the report;*
- (ii) *the international employers' and workers' organizations concerned;*
- (iii) *the United Nations and other intergovernmental organizations; and*
- (iv) *the non-governmental organizations represented at the 20th ICLS.*

(GB.335/INS/14/1, paragraph 10)

Second Supplementary Report: Report of the Meeting of Experts on Defining Recruitment Fees and Related Costs

(Geneva, 14–16 November 2018)
([GB.335/INS/14/2](#))

553. *The Employer spokesperson* said that the Tripartite Meeting of Experts had adopted a clear and positive definition of recruitment fees and related costs. The open dialogue had clarified the complex issue; implementing the new definition would benefit millions of workers, particularly migrant workers, and might advance the wider global discussion on migration. Recruitment challenges were a global concern, which required a universal definition for all workers whether recruited nationally or internationally. The Employer expert had attended the meeting with the clear aim of adopting a definition that would protect vulnerable workers from abuse and avoid unintended consequences for responsible employers. That objective required an appropriate regulatory framework and enforcement structure, focused on protecting the most vulnerable, and addressing the fraudulent practices of intermediaries and national enforcement gaps. Her group was ready to support governments in adapting their national regulatory frameworks to ensure responsible recruitment practices, including a level playing field to allow decent private employment agencies to enter the market and sustain business. The definition allowed for tripartite dialogue at the national level to allocate costs to the Employer, Worker or Government where appropriate. The new definition should be applied as part of an ethical recruitment policy, in conjunction with the *General principles and operational guidelines for fair recruitment* and the implementation of the Private Employment Agencies Convention, 1997 (No. 181). Recognizing the role of those agencies in the labour market, the ILO should update its 2007 *Guide to Private Employment Agencies – Regulation, Monitoring and Enforcement*, including with regard to recruitment fees. Business groups, individual companies and global recruitment industry associations had contributed to finalizing the definition; it was now time to put it into practice.

554. *The Worker spokesperson* recalled the abusive situations, including forced labour, faced by workers due to unscrupulous recruitment practices and the exorbitant illegal profit generated by those practices. Highlighting the importance of the General principles and operational guidelines for fair recruitment and their prohibition of recruitment fees and cost charging to workers, she said that the Workers were pleased that the Tripartite Meeting of Experts had successfully arrived at a definition of recruitment fees and related costs, all the more so because the lack of clarity had played into the hands of unscrupulous recruiters. They particularly welcomed the recognition that workers must not face direct or indirect discrimination; the acknowledgement of their right to freedom of movement for the purpose of employment within regional economic integration areas; the non-exhaustive list of recruitment fees which could be extended to other costs by competent authorities in consultation with workers' and employers' organizations; and the mention of the

illegitimate, unreasonable and undisclosed costs so often responsible for the distress and vulnerability of cross-border workers. They welcomed the dissemination of the definition together with the *General principles and operational guidelines for fair recruitment*.

- 555.** The designation of exceptions with respect to related costs should be limited only to certain categories of workers and specified types of services, agreed in consultation with the social partners, and only permitted where the exceptions were in the interest of the workers alone. Provision of capacity-building to constituents would be key to successful application of the definition, as would the identification of priority countries for promotion of the *General principles and operational guidelines for fair recruitment*, in collaboration with the social partners. The new definition, once adopted, would help to consolidate the ILO's global leadership role in the implementation of the Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration). The Workers' group supported the draft decision.
- 556.** *Speaking on behalf of the Africa group*, a Government representative of Morocco expressed satisfaction with the quality of the debates held within the framework of the Tripartite Meeting of Experts. He welcomed the scope and content of the outcome document and stressed that any definition of recruitment fees and related costs must be founded on international labour standards and directives, take into account the various contexts in which recruiters operated, and promote the effective regulation of public and private employment agencies. His group would have liked the definition to determine the conditions in which exceptions to related costs could be accorded as well as how related costs were to be classified based on the stage of the recruitment process. His group endorsed the draft decision.
- 557.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania, the countries of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina and Georgia aligned themselves with his statement. He welcomed the definition agreed by the Tripartite Meeting of Experts, to be disseminated alongside the *General principles and operational guidelines for fair recruitment*. The definition adequately took into account regional integration areas in which the free movement of workers provided for specific features of cross-border recruitment. The EU actively supported ILO activities on fair recruitment and was proud that the EU-funded Global Action to Improve the Recruitment Framework of Labour Migration could contribute to those essential efforts. He supported the adoption of the draft decision.
- 558.** *A Government representative of Brazil* noted that the modalities identified in paragraph 7 and referred to in subparagraph (b) of the draft decision included multi-stakeholder initiatives and partnerships and the Global Compact for Migration. As Brazil and various other member States were not party to that initiative, the efforts undertaken by the Director-General and the Office should take into account that reality. As such, he requested the deletion of the reference to paragraph 7 in the draft decision. Specifically, he proposed replacing "the modalities identified in paragraph 7 of document GB.335/INS/14/2" with "appropriate partnership modalities and other avenues identified by the Office".
- 559.** *The Employer spokesperson* expressed support for the proposed amendment.
- 560.** *The Worker spokesperson* said that she did not see a need to amend the draft decision given that paragraph 7 did not only mention multi-stakeholder partnerships, but also other customary promotional tools.
- 561.** *A Government representative of Brazil* said that his amendment would open more possibilities for promoting the conclusion of the meeting than those mentioned in

paragraph 7. It constituted a minor adjustment of the language that would not impact the result of the decision.

562. *The Worker spokesperson* said that, in the interest of uniting the House, she would support the proposed amendment.

Decision

563. *The Governing Body:*

- (a) *approved the publication and dissemination of the definition of recruitment fees and related costs, adopted by the Meeting of Experts on Defining Recruitment Fees and Related Costs on 16 November 2018, which should be read together with the General principles and operational guidelines for fair recruitment; and*
- (b) *requested the Director-General to promote the application of the definition of recruitment fees and related costs, including through appropriate partnership modalities and other avenues identified by the Office.*

(GB.335/INS/14/2, paragraph 9, as amended by the Governing Body)

Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.335/INS/14/3)

564. *The Worker spokesperson*, welcoming the efforts made to promote ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment), noted that her group had always supported the 1986 Amendment, which was aimed at making the membership of the Governing Body more representative by taking into account the geographic, economic and social interests of its constituent groups, including in connection with the sensitive question of the Members of chief industrial importance. Noting the slow pace of ratification, she recalled that a further 16 ratifications or acceptances, including at least three from among the Members of chief industrial importance, were required for the 1986 Amendment to enter into force. She urged the eight Members of chief industrial importance that had not yet ratified to follow the lead taken in that regard by the Governments of India and Italy.
565. The recent ratification of the 1986 Amendment by Panama was welcomed and she encouraged the Governments of Georgia and the Islamic Republic of Iran to act without delay on their stated intention to ratify. The low rate of response to the Director-General's letter of December 2017 was regrettable and she urged governments that had not responded to provide the Office with information to help identify and overcome obstacles to ratification. The Office should continue to promote ratification of the 1986 Amendment, including by engaging with governments at statutory meetings, including at the regional level. She agreed with the proposal by the Africa group to reflect the issue of ratification of the 1986 Amendment in the Centenary outcome document, with a view to strengthening governance and democratic processes at the ILO.
566. *The Employer spokesperson*, took note of the one new ratification of the 1986 Amendment since the November 2018 session, but also the lack of progress achieved and the absence of

any further responses to the Director-General's letter of December 2017. The Employers' group endorsed ratification of the 1986 Amendment, based on the legal advice provided at the 334th Session that it would increase the number of elected Governing Body members to 132: 56 Government members; 28 regular and ten deputy Employer members; and 28 regular and ten deputy Worker members. That would improve the geographical balance of the Governing Body and be constructive for the governance of the ILO. He looked forward to receiving further updates on the status of ratification in March 2020 and supported the draft decision.

- 567.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia expressed concern at the lack of progress achieved on ratification of the 1986 Amendment, which was aimed at ensuring a more just, inclusive and democratic ILO. The failure to ratify it had left Africa marginalized. The push for partnership in the world of work would only succeed and advance the social justice agenda if all member States were placed on an equal footing. If the Africa group was considered a second class member of someone else's club, that should be stated, so that a decision could be made on whether to live with the situation or leave the club. Ratification of the 1986 Amendment would be discussed at an upcoming meeting of the African Union in Addis Ababa, and it was unlikely that the Africa group would participate in the Centenary declaration in June if the matter was not a key part of that declaration.

Decision

- 568.** *The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO in accordance with the decision taken at its 334th Session (October–November 2018) and to report on the results obtained at future Governing Body sessions.*

(GB.335/INS/14/3, paragraph 5)

Fourth Supplementary Report: Documents submitted for information only ([GB.335/INS/14/4](#))

Outcome

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

(GB.335/INS/14/4, paragraph 3)

Fifth Supplementary Report: Arrangements for the International Labour Conference during the renovation work in the Palais des Nations from 2020 to 2023
([GB.335/INS/14/5](#))

570. *A representative of the Director-General* (Deputy Director-General for Management and Reform) recalled that all available options for organizing the Conference during the renovation work in 2022 and 2023 were complex and costly; the Office was, however, of the view that, for financial and logistical reasons, the Conference should meet in Geneva. He also clarified that the proposed preparatory conferences in 2022 and 2023 were not meant to reduce the number of technical items on the agenda of those two years, which would remain three.
571. *The Worker spokesperson* said that the years under discussion were of particular importance for the ILO because of the guidance that would be required in the wake of the Centenary Session. Her group welcomed the arrangements made for the 2020 and 2021 sessions, although the lack of meeting rooms and office space for 2022 and 2023 was a matter of concern. It was her understanding that room XVI and a temporary meeting room would be available at the Palais des Nations, allowing two technical committees to meet. A third technical committee could meet in one of the ILO's large meeting rooms, and the CAS could continue to meet in the Governing Body room.
572. The option of holding all three technical committees at the Palexpo conference centre in Geneva was preferable to holding the session away from Geneva, and her group welcomed the willingness of Switzerland to cover part of the costs. Consideration should also be given to using the facilities of other Geneva-based organizations, and the ILO should engage in discussions with them with a view to overcoming any logistical difficulties.
573. Her group strongly opposed the proposal to hold preparatory conferences in lieu of Conference committees, as it would be extremely challenging to secure an adequate level of tripartite representation at a preparatory conference. Her group therefore supported the draft decision in paragraph 17(b), believing that it was important to explore all options that allowed the Conference to discuss three technical items at one sitting, in addition to the standing items.
574. *The Employer spokesperson* said that the Employers supported a multisite Conference in Geneva, as it was an affordable, less disruptive option and presented an opportunity for inter-agency collaboration. His group supported option (a).
575. *Speaking on behalf of the Africa group*, a Government representative of Chad inquired as to the resources required and conditions to be fulfilled by any country that wished to offer to host the coming sessions, and which measures the Office would take to facilitate staff members' travel. His group supported option (b).
576. *Speaking on behalf of IMEC*, a Government representative of Canada said that her group would appreciate additional information regarding the cost of the different options for the 111th and 112th Sessions of the Conference, including temporarily suspending a technical committee. Her group encouraged the Office to continue to engage with the Swiss Government to explore and cost options in Geneva. Every effort must be made to ensure that the options for 2022 and 2023 incurred no additional costs. IMEC supported option (a), but proposed amending it to insert, after "Conference committees", the words "and consideration of cost saving options within the regular budget".

- 577.** *A Government representative of Switzerland* said that her Government aligned itself with the statement made by IMEC. In a period of budgetary restrictions, the Office should avoid entering into new arrangements which would lead to disruption, uncertainty and higher expenditure. Moving the Conference to another location would mean that smaller countries that maintained a permanent mission in Geneva could not avail themselves of that expertise and support. Her Government had worked closely with the Office to find solutions and had offered financial assistance to cover additional costs. Requesting the Office to look for other solutions elsewhere could hamper those efforts and send a negative message, especially considering the continued financial support from the Swiss taxpayers for various ILO projects. Preparations must begin as soon as possible and the Governing Body should provide clear guidance. Switzerland had provided a significant financial contribution for the renovation of the Palais des Nations and of the ILO headquarters and for the security perimeter fence as well as for the organization of the 2022 and 2023 sessions of the Conference. It would therefore be difficult to explain to Parliament and the Swiss people that the ILO was exploring other options elsewhere. The multisite solution was entirely feasible with the infrastructure in Geneva. Her Government therefore supported option (a), with the amendment proposed by IMEC.
- 578.** *A Government representative of the Russian Federation* supported the statement made by the Government representative of Switzerland and said that holding the Conference outside Geneva would be irrational.
- 579.** *The Employer spokesperson* supported the amendment proposed by IMEC.
- 580.** *The Worker spokesperson* said that the Workers had expressed a preference for option (b) because they did not want preparatory conferences to be held. However, the group was in favour of the Conference remaining in Geneva and welcomed the financial contributions of the Swiss Government to that end. However, she could not support an amendment that required the Office to attempt to cut costs, as even with financial help from Switzerland, a multisite situation would necessarily entail additional costs. The Workers could support option (a) with an amendment to remove the words “consideration of the possibility of holding one or two preparatory conferences in lieu of Conference committees”.
- 581.** *The Chairperson* noted the flexibility in the draft decision, in that it instructed the Office to consider cost savings but did not oblige it to make savings.
- 582.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) explained that the Governing Body was asked to make a decision in principle: under option (a) the Conference would be held in Geneva and under option (b) the Office would explore other options. There had not been much support for preparatory conferences and they would entail additional costs, therefore the Office was happy not to pursue that option. The Business Process Review into the operations of the Conference was being finalized and a number of operational changes would be made to reduce expenditure, which would be pursued as a matter of course. It appeared that removing the reference to preparatory conferences in option (a) had the support of the Governing Body.
- 583.** *The Employer spokesperson* said that the Employers supported the Workers’ proposed amendment.
- 584.** *Speaking on behalf of IMEC*, a Government representative of Canada said that her group would support the amendment proposed by the Workers, as long as the amendment proposed by IMEC was also adopted.

Decision

585. *The Governing Body decided to retain, in principle, the holding of the Conference in 2022 and 2023 at the United Nations Office, the ILO and other possible locations in Geneva, and that the estimated costs, including consideration of cost saving options within the regular budget, would be elaborated upon once a decision is made on the agenda of the Conference for those two years.*

(GB.335/INS/14/5, paragraph 17(a), as amended by the Governing Body)

Sixth Supplementary Report: Composition of the Committee on Freedom of Association ([GB.335/INS/14/6](#))

Decision

586. *The Governing Body appointed Mr Magnus Norddahl (Iceland), Worker deputy member of the Governing Body, as Worker regular member of the Committee on Freedom of Association for the remainder of the period of office of the Governing Body for 2017–20, in replacement of Mr Jens Erik Ohrt (Denmark).*

(GB.335/INS/14/6, paragraph 3)

Seventh Supplementary Report: Composition of the Board of the International Training Centre of the ILO, Turin ([GB.335/INS/14/7](#))

Decision

587. *The Governing Body appointed Paraguay as regular Government member, and Chile as substitute Government member of the Board of the International Training Centre of the ILO, Turin, for the remainder of the period of office of the Governing Body for 2017–20.*

(GB.335/INS/14/7, paragraph 4)

Fifteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Procedure for examining the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Action Workers' Union Confederation (Aksiyon Is)
([GB.335/INS/15/1](#))

Decision

588. The Governing Body, on the recommendation of its Officers, decided:

- (a) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the Committee on Freedom of Association for examination as per the procedure set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO; and*
- (b) that a distinct ad-hoc tripartite committee should be established to examine the elements of the representation alleging non-observance with the Termination of Employment Convention, 1982 (No. 158).*

(GB.335/INS/15/1, paragraph 3)

Sixteenth item on the agenda

Composition, agenda and programme of standing bodies and meetings
([GB.335/INS/16](#))

589. The Employer spokesperson and the Worker spokesperson said that their groups supported all the paragraphs of the draft decision.

590. Speaking on behalf of the Africa group, a Government representative of Rwanda said that his group welcomed the organization of a technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy to address decent work deficits in the tobacco sector and supported most of the draft decisions.

591. A Government representative of Brazil said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He thanked the Government of Uganda for its willingness to host the technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy

to address decent work deficits in the tobacco sector in Kampala. Holding the meeting in Africa would provide an opportunity to witness decent work deficits on the ground. The meeting would not be adopting any decisions; those would be adopted subsequently by the Governing Body. Turning to Part II of the document, he said that inclusiveness was key to the success of all the proposed meetings. The proposed meeting on decent work in global supply chains to be held in February 2020 would be an important one and should include more participants.

- 592.** *A Government representative of Uruguay* said that holding the technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy to address decent work deficits in the tobacco sector in Uganda would permit participants to fully understand the situation on the ground, taking into account the views of all interested parties. She looked forward to reviewing progress made at the following Governing Body session.

Decision

- 593.** *The Governing Body, on the recommendation of its Officers:*

- (a) *Approved the holding of a Technical Meeting to Promote an Exchange of Views on the Further Development and Implementation of the Integrated Strategy to Address Decent Work Deficits in the Tobacco Sector, the dates, venue, languages and composition proposed, the appointment of Uganda, Governing Body member, as chairperson, as well as the organizations to be invited as listed in the appendix to document GB.335/INS/16.*

(GB.335/INS/16, paragraph 7)

- (b) *Approved the holding of the Workers' Symposium "The ILO Centenary: Workers' Perspective for Social Justice" on 7–9 October 2019, its composition and agenda, and the list of international non-governmental organizations to be represented at the Symposium as observers (as listed in the appendix to document GB.335/INS/16).*

(GB.335/INS/16, paragraph 13)

- (c) *Authorized the Director-General:*

- (i) *to invite the organizations listed in the appendix to document GB.335/INS/16 to be represented at the 108th Session of the International Labour Conference, it being understood that it will be for the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest; and*
- (ii) *to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized.*

(GB.335/INS/16, paragraph 17)

(d) Endorsed the proposal to invite the international non-governmental organizations as observers to the meetings listed in the appendix to document GB.335/INS/16.

(GB.335/INS/16, paragraph 19)

(e) The Governing Body also took note of the programme of meetings, as approved by the Officers of the Governing Body, subject to decisions yet to be adopted, (as described in the footnotes of the programme).

(GB.335/INS/16, paragraph 20)

Other business

25 March 2019, afternoon sitting

594. *The Minister of Labour and Social Protection of Chile* said that his Government was pleased to be returning to the Governing Body as a member after more than a decade, especially given its historical commitment to the ILO and its values. The world of work was changing and the role of the ILO was therefore increasingly important. The Organization could count on the active engagement of his Government as it continued to defend the values of decent work.

26 March 2019, afternoon sitting

595. *The Employer spokesperson* expressed disappointment that the Office had not provided information on the progress made by the Commission of Inquiry for the Bolivarian Republic of Venezuela. The Office's argument that the provision of such information while the Commission of Inquiry was still functioning would constitute interference was unconvincing, as a precedent had been set in 2009 during the Commission of Inquiry for Zimbabwe, and the benefits of transparency and tripartite governance prevailed. The Employers did not wish to discuss the substance of the case or interfere with the Commission's work, but sought information on: when the Commission held its first session; whether it had been able to meet with the parties; whether it had visited the country or neighbouring countries; and whether it had interviewed witnesses in Geneva making use of technology. It was unclear why information on the Commission's progress had been posted on the news section of the ILO website but not shared with the Governing Body. He requested the Director-General to provide an oral update at the current and any subsequent sessions while the matter was ongoing.

596. *A Government representative of Paraguay*, speaking also on behalf of the Government representatives of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras and Peru, as members of the Lima Group, said that they respected the independence of the Commission of Inquiry and reiterated their confidence in its work. It was to be hoped that the necessary steps would be taken to ensure the full exercise of the rights enshrined in ILO Conventions and other relevant standards as a matter of urgency, in the light of the serious situation on the ground. They encouraged the Director-General to consider appropriate action within his powers to promote the respect of ILO principles, rights and obligations. Their Governments did not recognize the legitimacy of the electoral process that had concluded on 20 May 2018, as it had not met the international standards required to guarantee freedom, justice, transparency and other prerequisites for democratic elections. They therefore did not recognize the authority of Mr Nicolás Maduro or his representatives

and instead recognized Mr Juan Guaidó as the President of the Bolivarian Republic of Venezuela. Furthermore, the Permanent Council of the Organization of American States had agreed not to recognize the legitimacy of Mr Maduro's term beginning on 10 January 2019, as it had resulted from an illegitimate electoral process. The Lima Group would continue to work through peaceful means towards the restoration of democracy, the rule of law and fundamental rights in the country.

- 597.** *A Government representative of the United States* said that his Government had joined over 50 nations in recognizing interim president Juan Guaidó as the legitimate President of the Bolivarian Republic of Venezuela in accordance with the Venezuelan Constitution. The representatives of Nicolás Maduro did not have the legitimacy to speak to the Governing Body on behalf of the Venezuelan people. To ensure the integrity of the Commission of Inquiry, it must be able to conduct its business in accordance with the guidance provided by the Governing Body and with its own practices. Once a Commission of Inquiry had been established, its work must be fully isolated from political debates. Politicized disruptions to the Governing Body's critical work were unwelcome and unhelpful. He welcomed the Commission's ongoing work in spite of the difficult circumstances.
- 598.** *A Government representative of the Bolivarian Republic of Venezuela*, authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders, said that he would respond to the comments from the Employers' group and various governments that were sadly not sovereign, as they were following orders from another government that was manipulating them to direct baseless attacks on his Government. The speakers who had referred to his Government and country were out of order and were clearly politically motivated. The governments that had spoken lacked moral authority and were in no position to lecture others on human rights, much less democratic freedoms, since they acted outside their competence and violated national and international standards. The Employers and Government representatives that had spoken out against his Government should distance themselves from nefarious policies intended to harass the Government. If they were truly concerned about the country, they would take steps to end unilateral coercive measures so that the vast sums of money and resources seized by other countries would reach the Venezuelan people to enable them to pay for basic necessities and safeguard their welfare. Governments should refrain from absurd political discussions that only highlighted their desire to oust the democratically elected Venezuelan Government. His Government and the Venezuelan people had demonstrated an iron will to defend their sovereignty and shown extraordinary resilience in overcoming imperialist attacks.
- 599.** He thanked the Government and Worker representatives that had denounced the belligerent intervention in his country in other multilateral forums and those that had emphasized that the problems of Venezuelans should be resolved by the Venezuelans themselves. His Government reiterated its commitment to dialogue with opposition groups and opposing governments, as Mr Nicolás Maduro Moros, President of the Bolivarian Republic of Venezuela, had repeatedly called for. Foreign governments had no authority to recognize or refuse to recognize his Government. He reiterated the call for peace in response to those promoting acts of war against his country, as history had frequently shown that the devastation caused by violence could last for generations.
- 600.** The Employers' group's statement on Venezuela was out of order as the matter had not been included in the agenda of that session of the Governing Body. It did not make sense to discuss the Commission of Inquiry on the article 26 complaint, because the Commission was proceeding with the full collaboration of his Government, as the Employers knew.
- 601.** *A Government representative of the Russian Federation* said that it was regrettable that the Governing Body was using valuable time to discuss a matter that had not been included on the agenda, when it had pressing issues to discuss. While Governing Body members would

be interested in objective information on the work of the Commission of Inquiry, it had to be given the opportunity to carry out its work and report the outcomes in due course. Attempts to politicize the work of the Governing Body were concerning. Furthermore, his Government saw no reason to question the legitimacy of the Venezuelan delegation attending the Governing Body.

- 602.** *A Government representative of Cuba* said that the Community of Latin American and Caribbean States had declared the region to be a zone of peace, which should be borne in mind in the light of unilateral, interventionist politics that sought to interfere in the internal affairs of certain countries with the purpose of destabilizing the region. She denounced the escalation of pressure and preparations for possible military intervention under the guise of humanitarian support to the Bolivarian Republic of Venezuela, and called on the international community to block any such intervention. She categorically rejected the attempts to deny the legitimacy of the Venezuelan delegation to the Governing Body and the politicization of the matter. Members had a duty to contribute to building a better future based on solidarity and justice, with dialogue and cooperation prevailing to resolve conflicts, in order to save future generations from the horrors of war, to protect the planet and to create conditions in which justice and respect for obligations of treaties and other international legislation would be upheld.
- 603.** *The Worker spokesperson* noted that the Commission of Inquiry established at the request of the Employers' group was proceeding with its work and there was no indication that it would not finalize its work in due course. Her group would refrain from commenting further until the Commission had presented its report to the Governing Body.
- 604.** *The Director-General* said that it was established practice that matters under consideration by a Commission of Inquiry were not brought to the attention of the Governing Body while the Commission's work was ongoing. There had only been one occasion on which a document had been presented for information, where the circumstances had been highly specific and the discussion entirely uncontroversial. The screening group responsible for establishing the agenda of the Governing Body had decided not to include an item or information document on the matter. It was therefore not appropriate to provide an oral update at the current or, in similar circumstances, the next session. Moreover, the Employers' group had already been provided with responses to all the questions raised.
- 605.** *The Employer spokesperson* emphasized that he had not asked for the matter to be placed on the agenda; rather, he had requested an oral update from the Office, which in his view would not constitute interference in the Commission's work. The Governing Body had not always been aware of events in the Bolivarian Republic of Venezuela, and it was preferable for members to rely on regular updates provided at sessions of the Governing Body rather than on the media or informal sources. He would repeat his request for an oral update at the next session.

27 March 2019, morning sitting

- 606.** *The Chairperson* expressed the condolences of the Governing Body to the Government and people of Somalia for the victims of the terrorist attack on 23 March 2019 in Mogadishu, remembering in particular the Deputy Minister of Labour and Social Affairs, Mr Swaqar Ibrahim Abdalla and ten civil servants who had lost their lives, and requested the Director-General to convey condolences to the families involved and the Government.

27 March 2019, afternoon sitting

607. *Speaking on behalf of GRULAC*, a Government representative of Brazil paid tribute to the work of Mr Luis Rodrigo Morales, Government representative of Mexico, who would be leaving his post at the end of the month after many years of dedicated service in the Permanent Mission of Mexico. He had been at the forefront of many important processes within the ILO and had coordinated the regional group, always striving to strengthen the Organization by providing technical input and expertise.

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Revisiting the action plan on labour migration governance in consideration of the Global Compact for Safe, Orderly and Regular Migration ([GB.335/POL/1\(Rev.\)](#))

608. *The Employer spokesperson* said that it was unnecessary to reconsider the priorities of the plan of action agreed at the 331st Session (October–November 2017) of the Governing Body in the light of the Global Compact for Safe, Orderly and Regular Migration. The ILO should focus on the objectives of the Global Compact that corresponded to its mandate, including objectives 1, 5, 6, 18 and 22. The Office document's reference to a review of labour legislation and working conditions under objective 7(d) was concerning, as the responsibility for implementing the Global Compact rested with governments and the ILO should not take an active role, especially since the conclusions of the 106th Session (2017) of the International Labour Conference had not contemplated any such role for the Office. He reiterated his group's call for a review of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), to reflect modern realities, as recommended by the Committee of Experts.
609. The ILO's agenda for fair migration should foster the work of the Organization in ensuring that migration became a choice, while seeking to create decent work in countries of origin by encouraging labour ministries to work with workers' and employers' organizations to formulate migration policies that ensured fair recruitment and equal treatment of migrant workers. The ILO could demonstrate its added value by focusing on its expertise in labour migration while leaving the humanitarian aspects to other agencies.
610. Results-oriented implementation of the Global Compact would require unprecedented cooperation among stakeholders. The ILO should promote key elements to ensure strong economies through sustainable growth, such as the skills programme which fostered improved productivity and the filling of job vacancies. With respect to the Fair Recruitment Initiative, his group stood ready to help governments identify and develop effective regulations for responsible recruitment practices. The recently agreed definition of recruitment fees and related costs should be a step towards better regulation and more robust implementation. Employers should be able to identify and access the skills they needed, and workers would need to develop those skills in response to the future world of work to access any labour market. He applauded the expansion of the ILO's skills programme for migrant

workers on the basis of national skills development programmes. The tripartite workshops to be held in the three African regions in 2019 should primarily aim to ensure that education responded to new labour market needs. The International Organisation of Employers (IOE) was proud to engage with global development partners on the Global Skills Partnership with a view to supporting employers in developing countries reporting skills shortages.

- 611.** He welcomed the joint work across the UN system to respond more effectively to migration to achieve swift results. However, there was a risk that tripartism could be diluted without the inclusion of the social partners; consultations with workers and employers on labour issues could be more useful than broader consultations with civil society. The ILO's role in migration issues would be closely linked to UN reform, and he welcomed the participation of employers' representatives in working groups to improve coordination in the field. The ILO should also promote the appropriate participation of the social partners in UN migration programmes at the national level.
- 612.** Labour migration must become a priority in the light of current demographic challenges, the growing skills gap and employment opportunities highlighted in discussions on the future of work. Since many Global Compact objectives called for private sector engagement, employers' organizations should be supported in the implementation of the Global Compact and included in the formulation of messages to promote sound migration policies. Given the importance of the independence of the media, the ILO should dedicate resources to capacity-building for its own constituents rather than journalists. He expressed his hope that the Office would continue to implement the priorities agreed in 2017. His group supported the draft decision.
- 613.** *The Worker spokesperson* said that it was regrettable that many countries had either not signed the Global Compact or had withdrawn from it. The Compact's references to ILO Conventions and the various references to decent work were welcome; however, more successful ILO advocacy could have led to an objective focused on decent work, including promotion of Conventions Nos 97 and 143.
- 614.** During the 2017 Conference discussion, the Workers' group had highlighted the need for more and better pathways for regular migration, particularly for workers in less-skilled and lower-paid jobs, which was reflected in objective 5. The ILO could play a crucial role under that objective in preventing the promotion of temporary or circular migration schemes, including by promoting its Conventions on labour migration and research on the scope, use and effects of such schemes. In accordance with the 2017 conclusions, Office action should continue to promote the ratification and effective application of the labour migration Conventions as well as the fundamental Conventions and other relevant standards, such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Domestic Workers Convention, 2011 (No. 189).
- 615.** Labour migration should be based on the free and voluntary decision of the worker, which included the right not to migrate for employment. Working on creating the conditions for sustainable development in countries of origin should be a priority, including through Decent Work Country Programmes (DWCPs) supporting constituents' efforts to create an enabling environment and through programmes on skills development.
- 616.** It was of great concern that, unlike binding international treaties, the Global Compact restricted certain fundamental rights to migrant workers engaged in remunerated and contractual labour. The protection of irregular migrant workers must be ensured in accordance with international law, and pathways out of irregularity identified, as called for in the 2017 conclusions. Migrant workers in an irregular situation, often as a result of restrictive policies, were even more vulnerable to exploitation. The rights-based approach to labour migration had a solid basis not only in international labour standards but also in the

Universal Declaration of Human Rights. Fundamental rights at work applied to all migrant workers, regardless of status.

- 617.** The Fair Recruitment Initiative had had a great impact on the Global Compact, as reflected in objective 6(I). Furthermore, the conclusions of the Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs and the *General principles and operational guidelines for fair recruitment*, should be taken into account under that objective. Action to promote fair recruitment must be linked to the promotion of decent work and any partnership to advance the achievement of the Global Compact objectives should include consultation with the social partners.
- 618.** Skills development and recognition would help migrant workers to secure jobs at their skill level, with fair pay and safe working conditions. Objective 18 was therefore significant, since it promoted investment in skills. The Global Skills Partnership was a good opportunity to promote more effective recognition of the skills of migrant workers and continuous skills development. Furthermore, any work on labour market needs assessments should take account of the needs of both origin and destination countries and, where appropriate, countries of transit. The Workers' group welcomed the references in the Office document to important capacity-building activities; the Bureau for Workers' Activities (ACTRAV) should be involved in the design and delivery of such programmes.
- 619.** The examination of obstacles to, and good practices for, ensuring the right to freedom of association and collective bargaining could help realize objective 16. Empowerment of migrants and societies to achieve inclusion and social cohesion underpinned much of the ILO's work to promote rights-based, gender-responsive labour migration policies. It was important to evaluate the ILO's programmes to support the reintegration of returning migrants to ensure that they had access to decent work and that the returns were voluntary. The Office document would have benefited from references to linkages with the UN Global Compact on Refugees, as the ILO had many relevant provisions, such as in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market.
- 620.** She welcomed the ILO's leadership role on the Executive Committee of the new UN Network on Migration and called for a clear process to include the active participation of the social partners, in particular in any working groups. In addition to the rights-based approach, labour migration within the UN system should also be addressed within the framework of the 2030 Agenda for Sustained Development. The Workers' group supported the draft decision.
- 621.** *A Government representative of Ecuador* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean that had joined the Global Compact for Migration. His region was well aware of how much migration contributed to development and of the risks faced by vulnerable migrants. Migration required a human rights framework that included labour rights and vocational training, regardless of migration status. The cross-cutting principles in the Global Compact would be an important reference for national agendas, and the ILO's work on fair and effective labour migration governance should provide guidance on strengthening orderly labour migration and decent work. In- and out-migration in the region also required solutions for labour market integration, vocational training and capacity-building. The ILO had a fundamental role to play in that regard, and the Inter-American Centre for Knowledge Development in Vocational Training could help maximize migrants' potential.
- 622.** The methodologies developed at the 20th International Conference of Labour Statisticians on the collection, analysis and distribution of labour migration data were welcome, as a lack

of accurate disaggregated data had been an obstacle to decision-making. Furthermore, the ILO's experience and ongoing work on fair recruitment would continue to be an important reference for agreements in each country relating to the achievement of the Sustainable Development Goals (SDGs). In the Panama Declaration, adopted in October 2018 at the 19th American Regional Meeting, countries of the region had agreed that labour migration was one of the priorities that would lead to a better future of work guided by respect for the human and labour rights of migrant workers, including in particular the eradication of child labour, the prevention of forced labour, trafficking in persons and modern slavery, and facilitating procedures for migrant workers to send remittances to their families in their countries of origin. Lastly, he encouraged the ILO to contribute within the UN Network on Migration to the development of gender-responsive plans and programmes safeguarding labour rights to promote the creation of decent work. He supported the draft decision.

- 623.** *Speaking on behalf of the Africa group*, a Government representative of Uganda expressed satisfaction with the efforts to show the links between the priorities of the ILO's plan of action and the majority of objectives of the Global Compact, which was testament to the ILO's expertise in the field of migration governance. The remaining objectives (9, 11 and 13) were issues most appropriately addressed by sovereign States, but the plan of action would influence their implementation.
- 624.** The substantial efforts made to implement the priorities in the plan of action were appreciated. The Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs had brought clarity to a key challenge to regulators of formal migration. However, future plans of action should contain clear targets against which to evaluate implementation. The Africa group supported the draft decision.
- 625.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Bangladesh said that a balanced understanding of the opportunities and challenges of migration based on disaggregated data would enable national policymakers to better understand the trends and needs of contemporary international migration, ultimately leading to capacity-building and efficient strategic planning. The Office should further enhance its support to constituents in the collection, compilation, management and dissemination of statistics on labour migration.
- 626.** Regularization programmes for low-skilled workers were important so that all migrant workers had access to decent work opportunities; therefore, the skills development programme for migrant workers should be expanded. The Office should also assist constituents' efforts to provide access to employment services for migrant workers. As objective 2 of the Global Compact addressed minimizing the adverse drivers and structural factors causing outward migration, climate change effects should be included in the plan of action. Regular migration opportunities should be identified through effective labour market and skills needs assessments, and shortages in specific sectors addressed by increasing access to safe, regular migration channels for women and men migrant workers. The ILO must not lose sight of ensuring the protection of international labour standards for all migrant workers, and should promote tripartism and social dialogue in multi-agency partnerships. He requested more information on the ILO's role in the UN Network on Migration.
- 627.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand acknowledged the ILO's continued support to the ASEAN Forum on Migrant Labour, which exchanged ideas and good practices relating to the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. She requested the Office to further assist such regional and subregional platforms in mainstreaming the decent work and labour migration elements of the Global Compact into their programmes, and to align the ASEAN TRIANGLE with the Compact's objectives. She also requested the Office to provide technical assistance on skills recognition

to interested ASEAN Member States as part of an ongoing pilot project. Lastly, it was important to strengthen international cooperation and global partnerships to better manage migration, and the ILO had a key role to play in the UN Network on Migration.

- 628.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that the ILO's involvement in the UN Network on Migration should empower it to further develop key points of the plan of action and strengthen its partnership with other UN agencies, while acknowledging national approaches to the Global Compact, which was not supported by all EU Member States. He welcomed the ILO's work on immigration data and statistics and urged it to expand on those efforts through capacity-building. He also appreciated the ILO's promotion of fundamental principles and rights at work for legally resident migrant workers, and welcomed the outcome of the Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs.
- 629.** The ILO played a key role in skills development and recognition, and he welcomed the close cooperation between the Labour Migration Branch and the Skills and Employability Branch and the development of global skills partnerships with international agencies. He also welcomed the work on legal migration and basic social protection. The ILO and the Decent Work Agenda helped to minimize the adverse drivers and structural factors that compelled migrants to leave their countries of origin, and the plan of action reflected the Organization's priorities on legal labour migration. In the context of current migration challenges, the role of the normative framework and unique tripartite nature of the ILO were increasingly relevant.
- 630.** *Speaking on behalf of the Governments of Australia, Brazil, Chile, Czech Republic, Italy, Poland and the United States*, a Government representative of the United States said that Austria also aligned itself with her statement. Given that not all ILO member States supported the Global Compact, the words "including to support the implementation of the Global Compact for Safe, Orderly and Regular Migration" should be removed from subparagraph (a) of the draft decision, and the words "in the implementation of the Global Compact for Safe, Orderly and Regular Migration" from subparagraph (b).
- 631.** *Speaking on behalf of the Governments of Belgium, Canada, Ecuador, Finland, France, Germany, Ireland, Mexico, Norway, Peru, Philippines, Portugal, Slovenia, Spain, Sweden and Uruguay*, a Government representative of Finland welcomed the progress made in the implementation of the ILO plan of action and the ILO's contribution to the Global Compact, which, along with the 2030 Agenda, demonstrated the global significance of labour migration. Both instruments offered an opportunity for the ILO to promote its Decent Work Agenda. Sound labour migration management was required if the benefits of labour migration were to be maximized and the risks and social costs minimized. She therefore supported the original draft decision.
- 632.** *A Government representative of the United States* said that her Government did not support the Global Compact, but did support the ILO's work in the area of labour migration based on the ILO's constitutional mandate, which exists wholly independent of the Global Compact. While elements of the ILO's plan of action may align with the Global Compact, the Organization should limit its support of the Global Compact to supporting member States that voluntarily sought its technical and policy assistance in implementing the Global Compact objectives in their national context. The activities set out in the plan of action must respect State sovereignty.
- 633.** Her Government did not support the use of US funds for ILO activities undertaken with the specific purpose of fulfilling or advancing the Global Compact objectives, although it did not object to the ILO providing support for States wishing to use their own funds or contributions from other donors for that purpose. It did not support the expansion of action

plan activities to better align the ILO's work with the Global Compact. She noted the Global Compact gave rise to concerns about resource implications, and asked what the Global Compact components such as the capacity-building mechanism listed in paragraph 23 of the document meant for the ILO in concrete terms. Through its place on the Executive Committee of the UN Network on Migration, which the United States welcomes, the ILO could contribute its unique expertise while setting its own priorities consistent with its mandate. She urged the ILO to use the opportunity to advance the ILO's Decent Work Agenda.

- 634.** *A Government representative of Australia* said that his Government objected to the Global Compact and therefore did not support the draft decision.
- 635.** *A Government representative of Mexico* said that the Global Compact was a non-binding agreement that respected sovereignty and enjoyed the support of a large majority of UN Member States. It built on ILO Conventions, giving the ILO a clear mandate. The plan of action reflected most of the Global Compact's objectives, and she therefore welcomed the ILO's active involvement in the UN Network on Migration, which would be crucial to the implementation of the Global Compact. The ILO already participated in global efforts to protect and promote the rights of migrants, and its broad mandate placed it at the heart of efforts to implement the Global Compact. Her Government supported the original draft decision.
- 636.** *A Government representative of Indonesia* said that the Global Compact objectives would require global partnerships involving ILO constituents. She noted that some of the Global Compact's principles were consistent with the ILO's vision of fair and effective labour migration, and its objectives were already reflected in the ILO plan of action. Her Government fully supported the ILO's efforts in all those areas and welcomed its support for countries in facilitating the reintegration of returning migrants. International cooperation was essential to the implementation of the Global Compact, and her Government therefore encouraged the ILO to increase its participation in the UN Network on Migration to further promote its values, including tripartism and social dialogue. Indonesia supported the draft decision.
- 637.** *A Government representative of Uruguay* said that multilateral efforts were vital in addressing the causes of migration and harnessing its positive effects, particularly given its increasingly complex and politicized nature. Although the Global Compact was non-binding, it guided national policy and promoted international cooperation. Her Government particularly welcomed its prioritization of human rights and vulnerable migrants. The ILO's mandate encompassed the search for decent work, one of the main drivers of migration. The Organization could therefore make a significant contribution by generating decent work in countries of origin, ensuring fundamental rights for migrant workers in countries of destination, providing reliable information and promoting development cooperation with and between countries. Her Government supported the original draft decision.
- 638.** *A Government representative of Ecuador* said that the Global Compact was the first global framework for migration governance that guaranteed the rights of people on the move as well as providing a useful tool for strengthening international cooperation. Ecuador supported the inclusion of migration issues in relevant international forums with the aim of strengthening the legal framework for defending the rights of migrants. It therefore supported aligning ILO projects and programmes with the Global Compact objectives and thus with the SDGs. Joint efforts on migration issues would help to guarantee the respect and promotion of the rights of migrant workers and create opportunities for decent work, leaving no one behind. Ecuador supported the original draft decision.

639. *A Government representative of Nepal* said that, building upon the general discussions on fair and effective labour migration that took place at the 106th Session of the International Labour Conference and in light of the Global Compact, it was imperative for the ILO to revisit its five-year plan of action. The ILO's unique culture of social dialogue and tripartism would be an effective tool in building consensus-based partnerships among the country teams of UN agencies, host governments and other stakeholders to cultivate an environment that was conducive to implementation of the Global Compact. The ILO plan of action was based on advocacy and on governance and support services that would further advance the Decent Work Agenda from the perspective of the Global Compact, thereby bringing change to the situation of migrants. Preparation of the Global Compact implementation strategy at the global, regional and national levels, with capacity-development programmes, would be an important step towards promoting labour migration governance worldwide. Nepal supported the original draft decision.
640. *A Government representative of India* said that the ILO plan of action should focus on progressively realizing the 23 objectives of the Global Compact, with a view to providing adequate means of implementation, including building and strengthening capacities through the UN Network on Migration and international partnerships. The Global Compact objectives included facilitating free and ethical recruitment and safeguarding conditions that ensured decent work. Efforts must be made to lift barriers, bypass labour intermediaries and provide a portable social security mechanism. There was also a need to enhance consular protection, assistance and cooperation throughout the migration cycle. Domestic work was an important source of employment for migrant workers; however, their service hours and lack of social protection led to decent work deficits. The nursing workforce faced similar discrimination and exploitation. Social dialogue and tripartism should be increased in order to understand the issues, problems and challenges faced by migrant workers and to actively address them through the plan of action. India therefore supported the draft decision.
641. *A Government representative of Lesotho* welcomed efforts made by the Office to work with the UN Special Representative of the Secretary-General for International Migration to ensure and broaden understanding of the ILO's approach and tripartite nature and to promote the use of its normative framework. She further welcomed the training offered by the International Training Centre of the ILO in Turin and encouraged more training to be provided at the country level. While labour migration issues were well captured in the plan of action, member States would require further support from the ILO in implementing the Global Compact, including putting in place labour migration policies informed by facts, data and good practices and governance, and mainstreaming labour migration in national strategic development plans and decent work programmes. Although objective 13 of the Global Compact might not be addressed directly through work related to the plan of action, the ILO could contribute to the objective by providing training on labour migration for judicial officers, law enforcement officers, magistrates, prosecutors and the police. That would help law enforcement officials to learn how to handle migrant workers and use migration detention only as a measure of last resort. Lesotho supported the draft decision.
642. *A Government representative of Chile* said that her country supported the amendments to the draft decision put forward by the Government representative of the United States and several other member States to reflect the fact that some countries had not adopted the Global Compact.
643. *A Government representative of Brazil* concurred with the Office's assessment that the migrant workers strategy adopted by the Governing Body in 2017 was up to date and properly structured to serve as a guide within the Organization's mandate to help member States to face the challenges concerning labour migration. Solutions to deal with migration, including labour migration, were to be found at the national level and were also a key source for the exchange of best practices between the countries concerned. With respect to the draft

decision, given that not all countries supported the Global Compact, he saw no added value in the ILO aligning its strategy with the implementation of the Global Compact. Therefore, no resources from the regular budget should be allocated to initiatives or action intended to implement the Global Compact. Brazil supported the amendments to the draft decision presented by the Government representative of the United States and several other member States.

- 644.** *A representative of the Director-General* (Director, Conditions of Work and Equality Department (WORKQUALITY)) said that the purpose of document GB.335/POL/1(Rev.) had not been to align the ILO action plan to the 23 objectives of the Global Compact. Rather, it had been to outline ILO priorities and initiatives, with a view to giving practical effect to its action plan on labour migration. Both the International Labour Conference and the Governing Body had given guidance to the Office on what should be the priority areas in relation to labour migration and, in 2017, the Conference had directed the Office to use the conclusions of the general discussions on fair and effective labour migration governance in its input to negotiations regarding the Global Compact. The Office had achieved some success in that regard, since some of the issues that appeared in the plan of action were reflected in the Global Compact. The Office would never deal with issues that did not fall within the mandate of the ILO, for example it would not provide advice or assistance on border control management or issues relating to rescuing migrant workers in the middle of the sea; these are the mandates of other agencies. However, the ILO would continue to implement its plan of action.
- 645.** There appeared to be convergence among member States on the continued relevance of the priorities and areas of action outlined in the plan and on the need to collaborate with other UN agencies. There were 38 UN agencies in the new UN Network on Migration and the ILO sat with seven agencies on the Executive Committee, the purpose of which was to provide guidance and coordination on the work carried out by the Network. Five areas had been tentatively identified, one of which dealt with pathways to regular migration and decent work.
- 646.** *A Government representative of the United States* suggested a sub-amendment to its proposed amendment to the draft decision in order to accommodate all views and to recognize that not all member States supported the Global Compact. The new introductory line would read: “The Governing Body, while noting that not all member States support the UN Global Compact for Safe, Orderly and Regular Migration”. Subparagraph (a) would read: “indicated that the ILO’s plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration and noted that several ILO priorities intersect with elements of the Global Compact for Safe, Orderly and Regular Migration; and”. The last part of subparagraph (b), after the words “to promote social dialogue and tripartism” would read: “through such partnerships, in fulfilment of its unique mandate, noting that its priorities and activities may intersect with elements of the Global Compact for Safe, Orderly and Regular Migration”.
- 647.** *The Employer spokesperson* said that his group supported the proposed draft decision as amended by the Government representative of the United States.
- 648.** *The Worker spokesperson* said that her group did not entirely agree with the proposed draft decision as amended. A large majority supported the ILO’s active engagement with the Global Compact, within the framework of the Organization’s mandate. The ILO should ensure that its mandate would be fully coherent with initiatives in the UN system. Her group questioned whether the proposed amendments to subparagraphs (a) and (b) would limit the Office’s capability to engage actively in promoting social dialogue and tripartism to implement the Global Compact. While understanding that a significant majority had supported the original draft decision, her group wished to amend subparagraph (a) to read:

“indicated that the ILO’s plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration including, within the framework of its own mandate, engaging with the implementation of the Global Compact for Safe, Orderly and Regular Migration”. If that amendment was not possible, the Workers could support the draft decision as proposed by the Government representative of the United States, in the interest of consensus.

- 649.** *A Government representative of the United States* said that many of the ILO’s priorities were reflected in the Global Compact. However, given the number of member States that did not support it, she could not agree to a decision stating that the Organization would work towards its implementation. She proposed reinserting the words “while noting that not all member States support the UN Global Compact for Safe, Orderly and Regular Migration” in the chapeau of the decision, as proposed by her country the previous day. With regard to subparagraph (b), she said that an amendment would be necessary, but additional time would be required to consider the points to amend.
- 650.** *A Government representative of Brazil* said that the draft decision as amended by the Government representative of the United States could lead to consensus. However, more views needed to be considered before taking a decision.
- 651.** *A Government representative of Mexico* said that the amended draft decision proposed by the Workers’ group could form the basis of an agreement following further consultations. Many governments and social partners had supported the original draft decision. However, the Governing Body should not disregard the reasons why the ILO’s plan of action responded to the Global Compact. The explanation given by the Government representative of the United States was helpful as it highlighted that the Global Compact reflected the ILO’s mandate and should, therefore, be acknowledged. Strengthening the work of the Office in the area of labour migration would require a reflection of those reasons in the decision.
- 652.** *A Government representative of the Czech Republic* said that his country, as one of those that had not adopted the Global Compact, supported the draft decision as amended by the Government representative of the United States. Noting the points of divergence, he expressed the hope that the proposed amendments would be acceptable to all parties.
- 653.** *Speaking on behalf of the Africa group*, a Government representative of Uganda noted that the Global Compact was non-binding and member States could choose not to follow its guiding principles at the municipal level. The amendment proposed by the Government representative of the United States could set a precedent of indicating disagreement in the chapeau of a decision. Turning to the Governing Body’s discussions during its 331st Session, he recalled that all parties had requested the Office to develop and implement the Global Compact; subsequent decisions should not reflect the disagreement of some parties. As the Global Compact had been adopted by the UN General Assembly, the ILO should be consistent with the decisions taken within the UN system. His group requested to maintain the original draft decision.
- 654.** *A Government representative of Germany* said that she supported the original draft decision; more time would be needed to consider the proposals by the Workers’ group and the Government representative of the United States.
- 655.** *A Government representative of Australia* said that her country supported the draft decision as amended by the Government representative of the United States the previous day. She asked whether the difference in views could be placed later in the text. She agreed that extra time to consider the proposed amendments would be beneficial.

656. *The Worker spokesperson* said that it was worth working towards broader agreement on such an issue. Her group agreed that it would not be appropriate to include phrases that implied disagreement in the chapeau. She proposed the introduction of a new subparagraph (a) that read: “took note of the positions expressed”, thus renaming the two original subparagraphs in the original draft decision to (b) and (c), respectively. New subparagraph (a) would reflect the fact that varying opinions had been expressed by the Governing Body and would allow individual member States and social partners to confirm whether their positions were faithfully reflected in the record. The Workers’ group supported the amendments to subparagraph (b) proposed by the Government representative of the United States in light of its support by the Governing Body. She requested that the Governing Body have additional time to reflect on the draft decision on that basis.
657. *A Government representative of Poland*, noting the importance of current migration challenges and the ILO’s approach, said that her country had not adopted the Global Compact and therefore supported the amendments proposed by the Government representative of the United States the previous day. Further discussion would yield a consensus decision.
658. *A Government representative of Uganda* said he was sympathetic to the Workers’ proposal but that the word “positions” in proposed new subparagraph (a) could be replaced by the word “views”. He endorsed the other subparagraphs as they currently stood.
659. *A Government representative of Brazil* requested that the Government representatives of Germany and other interested member States and social partners be given time to consider the options.
660. *A Government representative of the United States*, following informal consultations, said that subparagraph (a) of the original draft decision could be amended to read: “took note of the range of views expressed in the Governing Body on the UN Global Compact for Safe, Orderly and Regular Migration”, thus including a reference to the range of views and removing the reference to the relationship between the ILO and the Global Compact. She asked for additional time to discuss the remainder of the draft decision.
661. *The Worker spokesperson* said all views should be represented in the discussion and asked the representative of the Africa group to clarify his position on the new amendment. She could accept the notion of a “range of views” on the Global Compact in proposed new subparagraph (a) of the draft decision, provided that there was no doubt regarding the ILO’s role in labour migration and its intersection with the Global Compact. A large majority of representatives had supported the original draft decision contained in paragraph 26 of the document. She hoped that allowing more time for discussion would not dilute the content of the other subparagraphs, such as the ILO’s engagement with the Global Compact and the need to promote social dialogue and tripartism throughout the UN system.
662. *The Employer spokesperson* agreed that it was important to retain the link between the ILO and the plan of action on labour migration governance, which would have a positive impact on the implementation of the Global Compact, regardless of whether all States supported it. The ILO’s focus should remain on labour migration.
663. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that his group supported the statement made by the Government representative of the United States. However, Governing Body decisions should reflect consensus; the words “took note of the views expressed” would suffice in new subparagraph (a), as the minutes of the Governing Body meeting would clarify the nature of those views. That still allowed for member States to regulate their individual involvement with the Global Compact. Concerning new subparagraph (b), he proposed amending it to read: “indicated that the ILO’s plan of action

(2018–22) continued to reflect the priorities of the Organization on labour migration, including in the pursuit of its own mandate, to support the implementation of the Global Compact for Safe, Orderly and Regular Migration”. It was not right to say that the ILO should “engage with” the Global Compact. In fact, the Office, as part of the wider UN system, was obliged to support its implementation.

- 664.** *A Government representative of Mexico* said that she supported the use of the phrase “range of views” but said that she would prefer the new subparagraph to be inserted after the original two subparagraphs, rather than before. It was clear more time was needed before a decision could be made.
- 665.** *A Government representative of Indonesia* said that he supported the original draft decision but could be flexible and would support the amendments proposed by the Workers.
- 666.** *A Government representative of France* said that considerable efforts had been made to achieve consensus but more time was required to ensure that all points of view were reflected in the final decision.
- 667.** *A Government representative of Brazil* reiterated his request for time to hold consultations with a view to reaching a consensus. In response to the substantive point raised by the Government representative of Uganda, he said that the relevant Governing Body decision adopted in November 2017 did not oblige the Office to support the implementation of the Global Compact. The Governing Body had simply “requested the Director-General to take into account its guidance ... concerning ... labour migration governance”, which included considering the extent to which the ILO could support the implementation of the Global Compact.
- 668.** *A Government representative of Ecuador* said that she preferred the original draft decision contained in the document, but would agree with the amendments proposed by the Worker spokesperson. However, she would appreciate more time to consider all proposals in order to reach a consensus text.
- 669.** *A Government representative of Poland* supported the request for additional time to discuss the draft decision.
- 670.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said, in response to the Government representative of Brazil, that while he recognized that the decision did not specifically request the engagement of the Office in the implementation of the Global Compact, there was a general understanding that had enabled the Office to conduct its work thus far. It was important to consider the whole of the document concerned, not simply the decision; references to the Global Compact appeared in paragraphs 12 and 15, and in paragraph 4 of the appendix to document GB.331/INS/4/1(Rev.). Thus, the Office’s engagement in that regard had been authorized.
- 671.** *The Worker spokesperson* expressed appreciation for the clarifications provided by the constituents regarding their positions and urged the Governing Body to move towards a decision.
- 672.** *A Government representative of Uganda* said that he understood the phrase “range of views” to indicate a lack of consensus and asked the Office to clarify whether its use in subparagraph (a) would set an unwanted precedent for situations in which full agreement could not be reached within the Governing Body.
- 673.** *The Chairperson* suggested that the proposal should be submitted in writing and discussed the following day.

674. Upon resumption of the discussion of the item, *a Government representative of the United States* announced that a number of governments had come together to formulate new language for the draft decision, in consultation with the Employers' and Workers' groups. The new wording aimed to reflect the concerns expressed regarding the fulfilment of the ILO's mandate in respect of labour migration, while also recognizing the concerns of some ILO member States with regard to the Global Compact. The decision, as amended, would read:

The Governing Body:

- (a) indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and
- (b) invited the Director-General to take account of its guidance in the implementation of the ILO's plan of action, to further strengthen ILO partnerships with other agencies, such as those in the United Nations Network on Migration and particularly in the field, including in United Nations country teams, and to promote social dialogue and tripartism, including in actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and
- (c) took note of all points of view expressed on the UN Global Compact for Safe, Orderly and Regular Migration.

675. *The Worker spokesperson* expressed appreciation for the efforts made and said that her group could accept the text as amended.

676. *The Employer spokesperson* supported the proposed text and expressed appreciation for the efforts to reach a consensus and to find a solution that was consistent with the ILO's role in respect of labour migration.

677. *A Government representative of Ecuador*, speaking on behalf of a significant majority of governments from Latin America and the Caribbean that had joined the Global Compact for Migration, said that a significant majority of governments from Latin America and the Caribbean which were signatories to the Global Compact recognized the ILO's experience and ongoing work with respect to labour migration and would prefer to retain the original draft decision as proposed by the Office. They were confident that such work could contribute to the achievement of the Global Compact. The common and cross-cutting principles and guidelines in the Global Compact were clearly an important tool for continuing to create decent work and to advance towards more just societies. However, in the spirit of consensus, her group could support the text as amended.

678. *Speaking on behalf of the Africa group*, a Government representative of Uganda expressed appreciation to all those who had participated in the informal deliberations and supported the draft decision as amended.

679. *Speaking on behalf of the Governments of Austria, Brazil, Dominican Republic, Hungary and Italy*, a Government representative of Brazil thanked the constituents for their efforts to reach a compromise and to accommodate different perspectives in such complex and challenging negotiations. He reaffirmed his group's position concerning the Global Compact.

680. *A Government representative of Poland* expressed support for the draft decision and the ILO's plan of action on labour migration governance, which were of particular importance in the face of current migration challenges. At the same time, she recalled that, at the session of the United Nations General Assembly in December 2018, Poland had not supported the adoption of the Global Compact, owing to a number of concerns about the document and the actions proposed therein. Although she agreed that some ILO priorities might intersect with

the provisions of the Global Compact, Poland was not in a position to accept the Global Compact as a whole as guidelines affecting the ILO's future objectives and actions.

- 681.** *A Government representative of Chile* said that, although Chile was committed to the issue of migration and to ensuring that it was carried out in a safe, orderly and regular manner, it was not a signatory to the Global Compact. As a result, that text was in no way binding for Chile.
- 682.** *Speaking on behalf of the Governments of Belgium, Canada, Denmark, Ecuador, Finland, France, Ireland, Germany, Mexico, Norway, Peru, Spain, Sweden, Slovenia, United Kingdom and Uruguay*, a Government representative of Canada reiterated her group's full support for the ILO's active engagement in implementing the Global Compact in accordance with the UN General Assembly resolution adopted in December 2018. Recalling the conclusions concerning fair and effective labour migration governance, adopted by the International Labour Conference at its 106th Session (2017), she stressed that maximizing the benefits of labour migration and minimizing the risks and social costs required a sound and effective labour migration governance. Furthermore, according to the conclusions, the ILO should take a leadership role on decent work in labour migration and make strong contributions to the Global Compact. In the light of the above, she supported the original draft decision and the ILO's action plan. Nevertheless, in the spirit of consensus and compromise, she acknowledged the views which had been expressed and could support the text as amended.

Decision

683. The Governing Body:

- (a) indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate;*
- (b) invited the Director-General to take account of its guidance in the implementation of the ILO's plan of action, to further strengthen ILO partnerships with other agencies, such as those in the United Nations Network on Migration and particularly in the field, including in United Nations country teams, and to promote social dialogue and tripartism, including in actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and*
- (c) took note of all points of view expressed on the UN Global Compact for Safe, Orderly and Regular Migration.*

(GB.335/POL/1(Rev.), paragraph 26, as amended by the Governing Body)

Second item on the agenda

Strategic plan for engagement with United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169) ([GB.335/POL/2](#))

- 684.** *The Worker spokesperson* said that her group stood with indigenous peoples in their struggle for equal rights for all and for recognition of historic social debt arising from colonialism. The Indigenous and Tribal Peoples Convention, 1989 (No. 169), was a key instrument to achieving equal rights and social and environmental justice. The 30th anniversary of the adoption of the Convention and the ILO's role as co-chair of the Inter-Agency Support Group (IASG) on Indigenous Issues were an opportunity to further promote the ratification and implementation of the Convention and to promote the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). She supported the proposed actions under the first pillar and asked the Office to include further training and technical support to workers' organizations to promote implementation. She noted the importance of dissemination and the fact that the Convention was included under Annex I of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) in view of the serious violations in relation to investments promoted by multinational companies. She welcomed the proposal under the second pillar to hold periodic dialogues and to include the social partners in those dialogues. She asked the Office to consider also including the Global Compact on Migration and the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights in the periodic dialogues. She expressed the wish to contribute to the initiative under the third pillar to evaluate the system-wide action plan to ensure a coherent approach to achieving the ends of UNDRIP and requested consultations with the social partners prior to consultations with other UN agencies regarding the high-level UN system policy statement. Regarding capacity building, she stressed the importance of access to information on existing materials and requested the Office to involve indigenous peoples' representatives and the social partners when engaging with other IASG members to review those materials. She supported the draft decision.
- 685.** *The Employer spokesperson* said that with 15 of the 23 countries that had ratified Convention No. 169 situated in Latin America, lack of implementation had been a source of significant conflict in the region, with detrimental effects on enterprises and negative repercussions on economic development. Protecting the rights of indigenous and tribal peoples and involving them in decisions that directly affected them would also reduce potential conflict on development strategies in countries with a high density of indigenous populations. The focus in SDG 8 on an inclusive vision of indigenous communities' rights was timely.
- 686.** Regarding the strategic plan, he clarified that, first, there had been a growing problem in the UN system and elsewhere in relation to Convention No. 169, which was legally binding, and UNDRIP and the American Declaration on the Rights of Indigenous Peoples, which were not. Second, the system-wide action plan launched in 2016 had shown no positive results or evidence of improved coherence between Convention No. 169 and UNDRIP. Third, some sectors were taking advantage of the systematic confusion to equate prior consultation on Convention No. 169 with free, prior and informed consent under UNDRIP, which some erroneously interpreted as a right to veto the consultation process or as legally binding. Such confusion led to counterproductive expectations among indigenous populations, which rendered dialogue difficult or impossible. Fourth, statements distorting the essence of the Convention were a source of serious concern for the employers and many governments in

the region. Calls to promote an interpretation of Convention No. 169 in line with a “new international consensus on the right to consent” constituted an unjustifiable interference in the ILO’s mandate and indicated new and growing problems for the already complex task for ratifying States of correctly implementing the Convention. The assertion in the strategic plan that there would be no financial implications was at odds with the implementation of the plan currently under discussion. The Employers’ approval was founded on the expectation of tangible results showing improvements in the current situation and coherent understanding of the key issues, such as consultation. Along with the work of the supervisory bodies, the 2013 handbook on the Convention must be disseminated, and summarized materials offering clarity on frequently confused issues, to include the definition of consultation as mandatory and consent as objective, must also be developed and disseminated.

687. He noted that many legal, institutional and political challenges States faced in relation to the correct application of the Convention and the impact of the Office’s assistance in that regard were not yet fully known. A General Survey on the Convention would provide precise and detailed information on States’ needs and an information-gathering study in Latin America would be helpful. He supported strengthened dialogue with the UN system and regional organizations, and highlighted the importance of focus on the proper application of the Convention and on efforts to end all calls on the ILO to promote incorrect interpretations of the Convention. He supported the convening of a dialogue in Geneva in June 2019, to include representatives of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), the Committee on the Application of Standards (CAS), the Employers and the Workers, to confirm commitment to coordination and clarity on the Convention. On coherence in the UN system, he would welcome the possibility of a high-level political declaration. The ILO should use its position as co-chair of the IASG to support coherence. The Office should hear the views of the social partners before presenting its position and should extend its actions beyond the IASG into other forums. On capacity building, the Office should establish a methodology and update training and communication materials to ensure coherence and understanding of the Convention. Resources should be assigned to implementing the action plan; providing information on steps taken to strengthen the Office’s technical capacities, especially in Latin America, since November 2018; and to compiling and distributing information on conflicts arising from a lack of standards on consultation and on the judicialization of conflicts in countries that had ratified the Convention. He supported the draft decision, on the condition that subparagraph (c) should specify that the Governing Body’s next follow-up discussion would take place during its 338th Session.

688. *A Government representative of Mexico*, speaking on behalf of a significant majority of governments from Latin America and the Caribbean, said that 15 of the 23 States that had ratified Convention No. 169 were from Latin America and the Caribbean and had been making progress with respect to the implementation of the Convention. The ILO had historically been at the forefront of international efforts to promote and protect the rights of indigenous and tribal peoples, not only through Convention No. 169 but also through its leading role in facilitating the exchange of information, experiences and views. GRULAC welcomed the ILO having assumed the role of co-chair of the IASG for 2019, and hoped that the ILO would use its Centenary year to enhance the group’s work and objectives on the basis of tripartite consensus. When collaborating with relevant UN mechanisms such as the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples, the ILO’s contribution should always reflect its constitutional mandate and stem from transparent, inclusive and tripartite processes. Although the legal interpretation of Convention No. 169 fell, first and foremost, to ratifying States, the views of the ILO’s supervisory bodies could also be useful, provided that they operated within the strict limits of their competences, scope and mandates. The work of the supervisory bodies should complement and reinforce that of

the UN mechanisms specifically dedicated to indigenous peoples, and vice versa, and all bodies must respect their various constitutional mandates, competences and capacities.

- 689.** In addition to being the Centenary year, 2019 marked 30 years since the adoption of Convention No. 169 and had been designated International Year of Indigenous Languages. Given that the strategic plan sought to give better visibility to the ILO's work regarding indigenous and tribal peoples, she repeated GRULAC's calls for efforts to promote the ratification of the Convention to be accorded the same level of priority as other tasks. The Office should ensure balance and objectivity when reporting information and best practices. In order to encourage consistency with respect to the implementation of international labour standards at the global level, the document should cite "indigenous and tribal peoples" rather than "indigenous peoples" throughout, in accordance with Article 1(1)(a) of the Convention. Clear guidelines on the interpretation of Convention No. 169 would be essential to achieving a coherent vision within the UN system. UN reform provided a unique opportunity to review the way in which the topic of indigenous peoples had been treated thus far, with a view to reaffirming the guarantees that the various secretariats were working in accordance with their respective mandates and the instructions of the relevant governing bodies, and to strengthening coordination and cooperation between agencies. The ILO must retain its leadership role. Lastly, and without prejudice to the Office's continuing support to countries in the region that had ratified the Convention, GRULAC did not consider it necessary or appropriate to single out Latin America and the Caribbean in the strategic plan, all the more so because the plan contained ILO activities to promote the ratification of the Convention in other regions. She therefore proposed deleting "with a special emphasis on Latin America" from subparagraph (b) of the draft decision.
- 690.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries North Macedonia, Montenegro and Serbia aligned themselves with the statement. The EU had a range of policies in place to support the rights of indigenous peoples as set out in UNDRIP. The ILO's contribution to the UN system-wide action plan and active participation in the IASG were welcome, and the contribution of the Convention to the promotion and protection of indigenous peoples and to the achievement of the SDGs was recognized. The EU supported the proposed strategic plan and also the capacity building of stakeholders at the national level. The ILO should be the leading voice to promote the understanding and knowledge of Convention No. 169, particularly through guidelines or codes of practice promoting common UN system-wide methodologies. The EU supported the original draft decision.
- 691.** *A Government representative of Brazil* said that her country aligned itself with the GRULAC majority statement. Brazil had a long-standing commitment to indigenous peoples' rights and was one of the few member States that had ratified Convention No. 169. Consensus on the development of the strategic plan had been reached during the previous session of the Governing Body on the understanding that the ILO would have a comparative advantage for promoting the scope and application of that Convention among other UN bodies and relevant organizations. However, the proposed strategic plan raised concerns as to whether it could deliver the expected results in line with the ILO's mandate and tripartite nature.
- 692.** The plan contained a broad mandate for the Office to implement an expanded set of actions. It did not indicate what active dissemination of guidance would entail in practice; approval of the proposed plan might allow the dissemination of messages not necessarily endorsed by the tripartite constituents. The secretariat had recently mischaracterized discussions by the Governing Body at its November 2018 session in working papers sent to the 18th Session of the UN Permanent Forum on Indigenous Issues; the active dissemination of such inaccurate information as the ILO's views would create systemic uncertainties and undermine the credibility of the Office. Furthermore, the active dissemination of supervisory system bodies' observations would ascribe them undue authority far exceeding their jurisdiction;

the supervisory system could not engender case law. Similarly, the observations of the CEACR and the reports of tripartite committees regarding representations under article 24 of the ILO Constitution were limited in individual scope, not legally binding and must be understood in context. In respect of the proposed country fact sheets, inaccurate and biased depictions could hinder dialogue and cooperation; the strategic plan should consider the usefulness of country fact sheets and whether they could be misused. With regard to the lack of references to the Convention's provisions conferring flexibility on member States in implementing their obligations, she said that equal legal value must be placed on all provisions. Neither the proposed strategic plan nor the 2013 ILO handbook on understanding Convention No. 169 made any specific references to article 34 of the Convention. Expressing concern that the Governing Body was being granted insufficient authority to oversee the strategic plan, she called on the Office to consult the Governing Body before engaging in consultations with UN partners in relation to the proposed high-level UN system policy statement. The views espoused by the Office in that connection should reflect, rather than interpret, the Governing Body's debates. All constituents should be kept abreast of developments in the consultations. The document presented an ambitious plan of action starting as early as April 2019. However, in view of the lack of clarity and assurances in the document, it would be preferable to take a staggered approach than adopt an all-in package in haste.

- 693.** She expressed concern that the strategic plan and the draft decision singled out Latin America and the Caribbean, with far-reaching programmatic and budgetary implications. GRULAC had stated that the Office should make concerted efforts to expand the number and geographical scope of ratifications of the Convention; however, by singling out the region again, the strategic plan was distancing the Office and the ILO from that objective. In addition, it was strengthening a vicious cycle whereby many countries that had not ratified and had no direct experience of implementing the Convention were continuing to be given a say on what the region should be doing to implement it. Therefore, Brazil did not support the proposed draft decision or strategic plan.
- 694.** In order to ensure transparency, objectivity and accuracy, the Office should use the minutes of official ILO meetings to convey the positions of the Governing Body to third parties. Accordingly, it should make the necessary corrections to its submission to the Permanent Forum on Indigenous Issues to ensure that the November 2018 discussions of the Governing Body were faithfully reflected. Only messages emerging from the tripartite decision-making process of the Organization should be described as "the ILO's views"; no other views should ever be conveyed as those of the ILO. When applicable, the Office should include a disclaimer. All relevant documents from the ILO supervisory system should include a written indication that they were not legally binding, did not create precedents or case law and should always be read in the specific context of the case concerned. All other relevant documents, including submissions, manuals and handbooks, should reflect the entire set of rights and obligations contained in Convention No. 169, including the flexible arrangements for its implementation by ratifying member States. Further information on the proposed country fact sheets was needed; no country fact sheet should be published or transmitted to third parties without the prior consent of the country concerned. Any results or conclusions from events proposed in the action plan that did not follow ILO tripartite governance rules should have only informative status and should always be brought to the Governing Body's attention in a timely manner. The Office should develop safeguards to ensure that no endorsement would be given to inter-agency documents advocating concepts contrary to, or outside of, the ILO's tripartite understanding of the scope and application of Convention No. 169.
- 695.** Before being authorized to implement the strategic plan, the Office should submit to the Governing Body the results of the proposed April 2019 event to be held on the sidelines of the 18th Session of the Permanent Forum on Indigenous Issues, so that constituents could

decide on the remaining steps of the action plan. The strategic plan should contain a set of time-bound actions for promoting the ratification of Convention No. 169, in particular in regions other than Latin America and the Caribbean. Those actions should have at least equal priority in future programmes and budgets to actions for further ILO engagement with other international institutions or processes in relation to the Convention. No ILO decision regarding the participation of representatives of indigenous or tribal peoples in meetings to be convened within the strategic plan should be taken before a systematic solution was found as part of the relevant process currently under way in the UN General Assembly. Latin America and the Caribbean should not be singled out in the strategic plan unless that was justified on the basis of objective criteria. Under no circumstances should the region be singled out in the draft decision.

- 696.** Such minimum elements would enable the strategic plan to deliver the expected results and help to prevent any misperceptions that further engagement would result in the creation of new obligations. The Governing Body should reflect on the very low rate of ratification of Convention No. 169, which only 23 out of 187 member States had ratified since 1989. The Office should make a special effort to promote ratification and strive to be objective and impartial in doing so, including by engaging with other relevant players. If a lack of objectivity and impartiality was perceived, member States would have fewer incentives to ratify, as they would have legitimate concerns as to the real value, benefits and costs of being a ratifying member.
- 697.** *A Government representative of the United States* asked the Office to explain the relationship between the proposed annual compilation of CEACR comments and related conclusions of the CAS and the thematic compilation of excerpts from CEACR comments and reports of tripartite committees regarding representations under article 24. Her Government wished to know whether fact sheets would be produced for each member State, what they would address and how they related to the other two reports. It also wished to know whether the Office had the resources to produce all the proposed documents, what the estimated cost of their production was and where the necessary resources would come from.
- 698.** The United States supported access to NORMLEX from the global and regional ILO web portals on indigenous peoples and would like the Office to elaborate on its plans for raising awareness of that resource. Noting the proposed periodic dialogues with relevant UN bodies and mechanisms and regional organizations, it asked how such dialogues related to and provided value added to the exchanges that already took place in the context of the IASG. With regard to outreach and educational efforts, her Government recommended that the Office should focus on the issues that were of most concern and the subject of misinterpretation. As to the evaluation of the system-wide action plan mentioned in paragraph 18 of the document, the Office should indicate who would conduct such an evaluation and whether it was proposing that provision for periodic evaluations should be incorporated into a revised action plan. Lastly, the United States welcomed the proposal for improved capacity building and common training methodologies as a way to improve system-wide coherence and coordination.
- 699.** *A Government representative of Ecuador* said that Convention No. 169 and the seven basic components of the Strategy for indigenous peoples' rights for inclusive and sustainable development were crucial to achieving justice, equity and social protection and would require real institutional support and budgetary allocation to ensure that they were implemented accordingly. His Government encouraged the ILO to continue its tripartite efforts to develop projects that would have a direct impact on indigenous and tribal peoples and enable real progress to be made in terms of generating decent work, equity, training and capacity building, health and preserving ancestral knowledge. At the same time, his Government shared the concerns expressed by other delegations that only 23 member States, 15 of which were from his region, had ratified Convention No. 169; it encouraged member

States from all regions to ratify the Convention and join efforts to secure justice and protection for all indigenous and tribal peoples. Ecuador supported the draft decision with the amendment proposed by GRULAC.

- 700.** *A Government representative of India* said that his Government supported the idea of organizing a dialogue to mark the 30th anniversary of Convention No. 169, during which member States that had ratified the Indigenous and Tribal Populations Convention, 1957 (No. 107), could be encouraged to ratify Convention No. 169 as the most up-to-date instrument on that subject. The Office should provide technical assistance for identifying gaps in the national legislation of ratifying member States concerned. The action plan incorporated the important dimensions of dissemination of relevant material, continuous dialogues with UN bodies, and improving coherence within the UN system. Moreover, an evaluation of the strategies provided under the UN and ILO instruments for safeguarding the rights of indigenous peoples should be conducted in order to establish linkages and avoid the duplication of efforts. India supported the establishment of a mechanism to review the implementation of the action plan at regular intervals and supported the draft decision.
- 701.** *Speaking on behalf of the Africa group*, a Government representative of Chad recalled his group's support for the ILO strategy for action concerning indigenous and tribal peoples and welcomed the work of the Office in that regard. The strategic plan proposed in Part III of the Office document would contribute to the realization of the rights of indigenous and tribal peoples in the framework of inclusive and sustainable development, which was in sync with the 2030 Agenda. His group emphasized that resources must be allocated for the implementation of the action plan and supported the draft decision.
- 702.** *A Government representative of Canada* said that his country was fully committed to advancing the rights of indigenous peoples in Canada and abroad. It recognized an increased interest in promoting indigenous rights across multiple mechanisms within the UN system and agreed that clarity among UN mechanisms was critical to moving forwards on what was a complex issue. There was a meaningful role for the ILO to play in that area.
- 703.** *A representative of the Director-General (Director, WORKQUALITY)*, in response to questions raised, said that the thematic compilation of the work of the CEACR and the tripartite committees regarding representations under article 24 would consist of verbatim extracts organized thematically, with an introduction to explain the nature of the supervisory system. The country fact sheets would serve as an information-sharing tool on the policies and programmes that had been adopted in countries that had ratified Convention No. 169. The annual compilation of comments from the CEACR relating to Convention No. 169 would enhance access to information that was already available. It would be made clear in the documents that the recommendations of the CEACR, while carrying authority, were not legally binding. All the material mentioned was being produced within the existing resources at a relatively low cost and would be disseminated on the ILO website and through training activities and meetings organized by the Office at the country level. All tools and activities to promote the Convention were intended for use and dissemination at the global level and not just in Latin America. The dialogue on Convention No. 169 planned for July 2019 would take the same format as the tripartite workshop on the Convention that had been held in September 2018 and the relevant agenda would be submitted to the Governing Body Officers for their approval.
- 704.** Consultations were under way with a view to holding a dedicated session to enable ILO constituents to engage with the relevant UN mechanisms, which would be open to interested missions and Worker and Employer representatives.
- 705.** The IASG brought together the secretariats of UN agencies that worked on issues relating to indigenous peoples, as distinct from the dedicated UN expert machinery on indigenous

peoples. As regards the system-wide action plan, the intention of the Office was to propose to the IASG to assess it with a view to enhancing coordination and coherence across the UN system. She noted that the Office submission to the Permanent Forum on Indigenous Issues had reflected the views expressed during the November 2018 session of the Governing Body, in particular the broader support voiced for the holding of a tripartite meeting of experts to discuss a possible code or guidelines on the application of the Convention relative to the adoption of a possible new Recommendation supplementing Convention No. 169. The record of that discussion was available if further clarification was needed.

- 706.** *The Employer spokesperson* proposed amending subparagraph (c) to specify the date of the discussion as March 2020.
- 707.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He proposed deleting the wording “with a special emphasis on Latin America” from subparagraph (b).
- 708.** *The Worker spokesperson* asked the Office whether a later date would be preferable for the report, as the strategy was for the long term.
- 709.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Norway aligned itself with his group’s earlier statement. He supported the amendment proposed by the GRULAC majority.
- 710.** *The Worker spokesperson* supported the amendment proposed by the GRULAC majority.
- 711.** *The representative of the Director-General* (Director, WORKQUALITY) said that the strategic plan was part of a broader strategy. The Office could provide an interim report on actions carried out by March 2020, if requested by the Governing Body.
- 712.** *The Employer spokesperson* said that he had suggested March 2020 as there would be a significant amount of information in the year of the 30th anniversary of the adoption of Convention No. 169. His group supported the amendment proposed by the GRULAC majority.
- 713.** *The Worker spokesperson* proposed sub-amending the date to March 2021, as there would be more to report on by then.
- 714.** *The Employer spokesperson* proposed a compromise of November 2020.
- 715.** *The Worker spokesperson* agreed to the compromise.

Decision

- 716.** *The Governing Body requested the Director-General to:*
- (a) implement the strategic plan, taking into account guidance given by the Governing Body;*
 - (b) take into consideration the strategic plan and the guidance given in the discussion in the preparation of future programme and budget proposals, in order to enable the Office to engage in a sustained and strategic manner with the United Nations system and regional organizations in all regions; and*

(c) report on the strategic plan's implementation at the Governing Body's next follow-up discussion, in November 2020, on the Strategy on indigenous peoples' rights for inclusive and sustainable development.

(GB.335/POL/2, paragraph 20, as amended by the Governing Body)

717. *A Government representative of Brazil*, speaking in his national capacity, said that his Government dissociated itself from the decision, since the strategic plan and action plan had not contemplated certain minimum elements that, if unaddressed, would have far-reaching implications that could jeopardize the credibility and legitimacy of the ILO's work. The Office had not mentioned whether countries would be able to approve the fact sheets, and there was a risk that the countries that had ratified Convention No. 169 would be singled out. It was particularly concerning that the ILO's submission to the 18th Session of the United Nations Permanent Forum on Indigenous Issues had not given sufficient weight to the views expressed by his region – which represented 70 per cent of ratifications of Convention No. 169 – at the 334th Session of the Governing Body. His country would monitor the implementation of the strategic plan in the light of the concerns expressed.

718. *The Worker spokesperson* said that since the decision had already been adopted, further discussion should be postponed until a future session of the Governing Body.

Social Dialogue Segment

Third item on the agenda

Sectoral meetings held in 2018 and proposals for sectoral work in 2019 and 2020–21

([GB.335/POL/3](#))

719. *The Employer spokesperson* said that constructive discussions in the sectoral advisory bodies had led to the selection of eight global tripartite sectoral meetings for 2020–21, which reflected priorities within the future of work discussion. He agreed with the ILO's participation in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, because unreported fishing contributed to decent work deficits. Moreover, the ILO had a strategic contribution to make to that sector. Thus, his group supported the draft decision. He noted the importance of the sectoral advisory bodies in setting the programme of work for the Sectoral Policies Department (SECTOR). However, he asked the Office to provide an overview of the recurrent work of the department in order to clarify the connection between the advisory bodies' advice and Governing Body decisions, and the recurrent work and other relevant activities of the department.

720. *The Worker spokesperson* said that his group had noted the outcomes of the meetings held in the second half of 2018. He called on the Office to ensure implementation of the recommendations resulting from the Global Dialogue Forums on Employment Terms and Conditions in Tertiary Education and on Challenges for Decent and Productive Work Arising from Digitalization in the Chemical and Pharmaceutical Industries, and to step up its efforts to distribute more widely the Declaration adopted by the 13th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). He welcomed the ILO's participation in the Joint FAO/IMO Ad Hoc Working Group and the recommended meetings for 2020–21 contained in Appendix II to document GB.335/POL/3. He expressed the hope that those meetings, in particular the Subcommittee on Wages of Seafarers of the Joint Maritime Commission and

the 14th Session of the CEART, would improve industrial relations in the sectors concerned, promote social dialogue and help social partners to prepare for the challenges facing the future of work. He also welcomed the planned research on gender equality in the mining sector, social dialogue in multinational steel companies, and social dialogue, industrial relations and working conditions in private security services. There were two sectors in which the ILO should intensify its work. First, it should invest in the rural economy and address violations of human and social rights in the agricultural sector under the Programme and Budget for 2020–21, particularly with regard to salaried work on plantations. Second, the Governing Body should move forward on the issue of whistle-blowers and combating corruption in the public sector; there had been regular discussions on the topic since 2014 without agreement on a way forward. He asked whether research was available on the public sector. In conclusion, his group supported the draft decision.

721. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United States said that her group supported subparagraphs (a)–(e) of the draft decision. She asked the Office to clarify the difference between observer status and full membership of the Joint FAO/IMO Ad Hoc Working Group; the costs associated with the participation of two worker and two employer representatives and how they would be funded; and whether government representatives would also be invited to participate. Her group welcomed the meetings planned for 2020–21, especially the meeting of experts to produce joint ILO–IMO guidelines for medical examination of fishers, and encouraged the Governing Body to suspend the Standing Orders for sectoral meetings for that meeting. However, her group expressed hesitation with adopting any decision that might constrain the Governing Body’s ability to prioritize any proposal following the adoption of the Programme and Budget for 2020–21. In view of those questions and concerns, she asked the Office to clarify the cost of the proposed global sectoral meetings in that biennium.

722. *A representative of the Director-General (Director, SECTOR)* welcomed the active engagement of all constituents in the sectoral advisory bodies, including that of government representatives, which made that session of the advisory bodies truly tripartite. Concerning the request from the Employers’ group for an overview of recurrent work, she recalled that, as agreed by the Governing Body the sectoral advisory bodies were requested to make recommendations on the programme of sectoral meetings and not on the rest of the work conducted by SECTOR. Thus, while a detailed brochure of all the work undertaken was produced at the end of each biennium, preparing an overview of recurrent work at the start of a biennium would require a change in working practices. She agreed with the Workers’ group that there was unfinished business in the agricultural sector, particularly the fact that a meeting of experts to adopt policy guidelines for the promotion of sustainable rural livelihoods targeting the agro-food sectors had not been able to finish its work in 2016. As no progress had been made since 2016, she proposed holding informal consultations with the groups followed by informal tripartite consultations in order to seek agreement on a way forward. She recalled that the protection of whistle-blowers had been discussed regularly since 2014, both in three consecutive sessions of the sectoral advisory bodies and that it had also appeared repeatedly on the list of potential items for the agenda of future sessions of the International Labour Conference. However, there was no tripartite consensus on how the matter should be addressed, and she recognized the frustration of the Workers’ group. As requested, the Office had conducted research which revealed that many member States had developed programmes and strategies and implemented legislation on whistle-blower protection. As such and if asked, the Office would recommend that a sectoral meeting to explore best practices and exchange examples on whistle-blower protection would perhaps be a useful way forward. However, it was up to the constituents to make that decision. In response to IMEC, she said that the FAO and the IMO had requested the ILO’s full participation in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters on several occasions. The Office had been an

observer since 2000 and now the Organization was being asked to join as a full member. As governments were already represented, the Office was proposing the participation of two Worker and two Employer representatives to provide the tripartite dimension that had thus far been lacking. In the context of UN reform, the Working Group was an efficient way to avoid duplication of work. The Working Group had met three times since 2000 and no increase in the frequency of meetings was foreseen at that stage; the cost of sending four participants to the following meeting in October 2019 could be absorbed by the current budget. Concerning the cost of the planned programme of sectoral meetings for 2020–21, subparagraph (g) of the draft decision recognized that all meetings were subject to the approval of the corresponding allocations in the Programme and Budget for 2020–21.

- 723.** *The Worker spokesperson* thanked the Office for its willingness to address decent work deficits in the agricultural sector and initiate informal consultations. He also noted the Office's opinion on the issue of whistle-blower protection, which touched on aspects of international legislation and fell under the mandate of the ILO.
- 724.** *Speaking on behalf of IMEC*, a Government representative of the United States welcomed the clarification provided and emphasized that the ILO may need to reconsider SECTOR's planned programme of work for 2020–21 in line with the outcome of the Centenary Session of the International Labour Conference. With that in mind, her group could support the draft decision.

Decision

725. The Governing Body:

- (a)** *took note of the reports of the meetings referred to in section I of document GB.335/POL/3 and authorized the Director-General to publish the final reports of these meetings;*
- (b)** *forwarded the report of the 13th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), along with any observations made by the Governing Body, to the International Labour Conference at its 108th Session (June 2019) for examination in the first instance by the Committee on the Application of Standards;*
- (c)** *authorized the Director-General to notify, in accordance with Guideline B2.2.4 of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the revised amount of the minimum monthly basic pay or wage figure for able seafarers to the Members of the ILO and approved the convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission in the first half of 2021;*
- (d)** *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.335/POL/3;*
- (e)** *endorsed the proposal contained in Appendix I to document GB.335/POL/3 relating to the dates, duration, official title, purpose and composition of the meeting;*

- (f) *authorized the Organization's participation as a full member in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, and decided that two representatives of employers and two representatives of workers would be appointed by their respective groups; and*
- (g) *endorsed the proposed programme of global sectoral meetings for 2020–21 contained in Appendix II to document GB.335/POL/3 as recommended by the sectoral advisory bodies, subject to approval by the International Labour Conference at its 108th Session (June 2019) of the corresponding allocations in the Programme and Budget for 2020–21.*

(GB.335/POL/3, paragraph 33)

Development Cooperation Segment

Fourth item on the agenda

Overview of relevant and existing forms of innovative finance mechanisms, related opportunities and risks, and potential for ILO engagement

([GB.335/POL/4](#))

726. *The Worker spokesperson* expressed concern about the dearth of information on the impact or performance of innovative financing in the document. The observation made by the Special Rapporteur on extreme poverty and human rights with regard to blended finance for the SDGs in his report to the 73rd session of the United Nations General Assembly, that corporations took the profits while governments bore much of the losses if they were significant, should be taken into account. While the document before the Governing Body contained detailed and nuanced information on private investors, it lacked information on the impacts of innovative financing on beneficiary countries and legal frameworks. Their potential disruptiveness or sustainability or their potential to create decent work or generate revenue of benefit to national social security and tax systems should be evaluated. Risks, in particular those relating to social, economic and environmental impacts, should be identified, mitigated and prevented and the added value of the activity ascertained; the risks and responsibilities in profit–loss relationships must be verified as being transparent. Social impact bonds required careful attention; their terms and objectives should be clearly defined from the outset and their social impact detailed. Bonds in the thematic areas of education, housing and health were easier to measure than those in the areas of freedom of association and collective bargaining. Enterprises were less likely to speculate on bonds yielding dividends than on mortgage loans. However, such bonds could be less attractive or used as a means of tax avoidance. There was also a risk that a securitization system might be created, as had occurred with other kinds of bonds. In view of the 2008 financial crisis and the lack of financial market regulation, it was impossible to know how UN entities would manage bonds or financial derivatives in a volatile market. Even in the strongest green economy market, uncertainty about how to improve pricing and what constituted sustainable financing remained.

727. The document gave a prematurely positive view of the role that innovative financing could play in implementing the Decent Work Agenda in the context of the SDGs. The ILO could

evaluate the potential of other financial instruments studied by the Leading Group on Innovative Financing for Development and their potential impact on the implementation of the Decent Work Agenda in line with national development policies. In view of conflicting information on the ILO's involvement in the United Nations Development Programme (UNDP) Youth Employment Bond in Serbia, he asked the Office to clarify whether the social partners or trade unions had been contacted.

- 728.** On that basis, it was premature to envisage the ILO's role as a disseminator of standards and knowledge; it could instead conduct further research and ensure that working rights were anchored firmly in all discussions on innovative financing but should refrain from taking a positive stance on innovative financing until more data and analysis became available. The Workers underscored that labour was not a commodity and so could not be a financial product: they were strongly opposed to the financialization of labour, as they had been to the financialization of nature in the climate discussions. He wished to modify the draft decision to read: "The Governing Body requested the Office to take into account its guidance on the ILO's continued research into the opportunities and risks linked to innovative finance mechanisms, to be presented to the Governing Body in March 2020, in order to discuss the conditions necessary for implementing innovative finance modalities."
- 729.** *The Employer spokesperson* said that the ILO should explore and seize opportunities for innovative financing mechanisms while remaining mindful of the associated risks. She took note of the rationale for using innovative financing mechanisms and the encouraging examples of their use by other UN entities. The private sector was the engine of economic growth and job creation and the primary contributor to decent work and sustainable development; its investment and tax contribution remained the main source of financing. Positive conditions for enterprise development and productivity growth were critical for maximizing its financial contribution. Regarding partnerships, risks associated with innovative financing instruments were not limited to any particular actor, as paragraph 20 of the document seemed to suggest. In order to mitigate risks, due diligence should apply to all partners; singling out the private sector was unjustifiable. The Office must develop clear, transparent and objective criteria for identifying partners for innovative financing. The document focused more on resource mobilization than on resource allocation; the Office should ensure that all programme and budget outcomes and thematic areas were given equal attention and opportunities. In addition, it must identify existing internal practices that hindered its ability to attract innovative financing opportunities and make adjustments accordingly. At the same time, it must define the optimal mix of innovative financing mechanisms for the ILO on the basis of sound analysis. The Employers agreed with the suggested way forward and supported the draft decision on the understanding that the Office took fully into account its comments and suggestions.
- 730.** *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that he welcomed interest from a growing number of investors in financing development projects with a significant social impact. He also welcomed the thematic areas chosen to leverage innovative financing mechanisms to achieve decent work outcomes and the Office's efforts to develop its knowledge of innovative financing. He urged the Office to continue its involvement in technical assistance, which would encourage many investors to adopt ILO values, and in building constituents' capacities to secure innovative financing and prioritize decent work outcomes at the national level. Africa continued to face numerous decent work challenges. It valued swift access to innovative financing mechanisms with good risk management, stimulation of South-South financing and efficient use of innovative financing in the ILO's Development Cooperation Strategy for 2020-25. Noting the Office's proposal in paragraph 30 to focus on building knowledge and developing capacity, he suggested that the draft decision should include those points to read: "The Governing Body requests the Office to take into account its guidance on the ILO's participation in innovative finance mechanisms and implement the proposed way forward, notably to: (a) continue to

build its knowledge of innovative finance mechanisms and to develop its capacities in that field accordingly, including by further identifying and assessing those that are relevant to decent work outcomes; (b) develop the capacity of constituents to further build their awareness of innovative finance mechanisms and of their potential to scale up decent work outcomes, as a basis for their potential engagement in such initiatives.”

731. *Speaking on behalf of IMEC*, a Government representative of Ireland said that her group noted that the document referred to funding challenges encountered in the achievement of the Decent Work Agenda and broader efforts to achieve the SDGs. IMEC acknowledged that efforts and resources to support its achievement must be increased and that innovative finance mechanisms were indispensable in that regard. Such mechanisms were not intended to displace or replace existing efforts funded by resources such as Official Development Assistance (ODA), but were add-ons that were crucial to achievement of the Decent Work Agenda and the SDGs. IMEC noted that the word “innovative” in the term “innovative finance mechanisms” referred not to the financial mechanisms themselves but to their recent application to sustainable development outcomes and to the ways in which resources for such outcomes were mobilized and allocated. The word “sustainable” might better explain how innovative finance mechanisms worked. As innovative finance often entailed partnerships with non-public actors, IMEC considered that appropriate due diligence mechanisms must put in place and called on the Office to build on its existing guidelines on public–private partnerships (PPPs), which should reflect and promote respect for human rights. The key challenge in using innovative finance mechanisms to achieve the Decent Work Agenda and the SDGs was to ensure that partnerships were based primarily on content, not solely on funding. The objective of ILO engagement with innovative finance mechanisms should be to determine how they could be harnessed to support decent work outcomes at global and country levels. The ILO was well-positioned to provide guidance to constituents, including through the dissemination of standards and knowledge, to assist them in determining how partnerships and innovative finance mechanisms could be developed and implemented to achieve decent work outcomes. IMEC called on the Office to continue promoting partnerships for sustainable development, including innovative forms of finance, with a view to the full integration of their developmental potential in the ILO’s Development Cooperation Strategy for 2020–25, and supported the draft decision.

732. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Montenegro, Serbia, Albania and Georgia aligned themselves with his statement. The EU and its Member States supported the statement made by IMEC and fully recognized the important role that the ILO could play in promoting engagement with innovative finance modalities and multi-stakeholder networks and alliances, such as those tackling forced labour, child labour and modern forms of slavery. The EU and its Member States remained the world’s leading provider of ODA, having provided a total of €75.7 billion in 2017. Since the adoption in 2015 of the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development, the EU and its Member States’ collective aid had grown by €7.8 billion, while the ODA: gross national income ratio had grown by 6 per cent, underpinning their sustained efforts to promote prosperity, peace and sustainable development worldwide. The EU and its Member States had already engaged with innovation finance mechanisms and wished to share their experiences with the Governing Body. Since its introduction in 2007, blending had become an important tool for EU external cooperation, complementing other implementation modalities. Over the past decade, some €3.4 billion of EU grants had financed over 380 blended projects. By strategically combining EU grants with public and private financing, blending had unlocked investments worth an estimated €57.3 billion in EU partner countries. Some 26 per cent of the EU grants allocated to blending projects had invested in social infrastructure, while 14 per cent had supported the local private sector, notably micro-, small and medium-sized enterprises, so strengthening local production capacity and fostering job creation. Such experiences with innovative finance mechanisms had demonstrated that the EU could

achieve its aims and ambitions by pursuing shared goals with partner organizations. The ILO could play an important role in shaping and influencing innovative approaches and finance mechanisms that would be crucial to the realization of the SDGs while also furthering the Decent Work Agenda. The ILO could be a valuable source of advice for constituents seeking to harness innovative finance mechanisms to address nationally and globally agreed development needs and could disseminate information on a range of decent work issues through toolkits and indicators. Such mechanisms should contribute to the promotion of human rights, particularly fundamental principles and rights at work. The Office should further build its knowledge of innovative finance mechanisms and develop its capacity in the field, with particular focus on the world of work and cooperate with social partners to further develop awareness among all constituents of innovative finance and its potential to scale up decent work outcomes. His group supported the decision point and noted that the proposed amendment by the Africa group lead to the same result.

- 733.** *A Government representative of China* said that there was great potential for ILO engagement with innovative finance mechanisms: the ILO could seek to influence and steer initiatives, working with UN partners, development finance institutions and bilateral development partners, as well as with private sector initiatives and entities; and it could also provide guidance to constituents on how they might develop their own views and expertise in the field. China supported the steps already taken by the ILO to engage in innovative finance, which would accordingly inform the ILO's Development Cooperation Strategy for 2020–25, and supported the draft decision.
- 734.** *Speaking on behalf of GRULAC*, a Government representative of Brazil said that a majority of GRULAC countries would be willing to support the amendment to the draft decision proposed by the Workers.
- 735.** *A representative of the Director-General* (Director, Partnerships and Field Support Department (PARDEV)) thanked all those who had taken the floor and all constituents who had participated in informal discussions prior to the session. The input received had enabled the Office to prepare a balanced paper that presented the available opportunities, fully recognized the risks implied, and clearly showed the importance of impact and evaluation. The paper had therefore also specifically highlighted the gaps in data to which some representatives had alluded in their statements. Based on the Office analysis of opportunities and risks, the Office prudently proposed the three possible roles for the ILO in its potential future engagement with innovative finance modalities. Furthermore, it was precisely the analysis presented in the paper that led the Office to propose the two steps in the way forward: building further the Office's knowledge and capacity for potential engagement in innovative finance and doing so in close cooperation with its constituents. In response to the request for clarification made by the Workers, she could confirm that the ILO had not been involved in the social investment bond in Serbia. The Office had been involved in active labour market policies in that country, but the programme in question was unrelated to innovative finance. The ILO's current PPPs were applicable to all partners of the ILO, which allowed the ILO to implement due diligence in that regard. Recalling that the high-level evaluation of PPPs was ongoing and that further information would be shared with the Governing Body in November 2019, she expressed the hope that future discussions would be useful for improving the ILO's procedures on both due diligence and PPPs.
- 736.** *The Worker spokesperson* noted the response provided by the Office in relation to ILO involvement in Serbia. He took it that further cooperation and discussion would allow his group to obtain more information regarding the activities under way in that country. He thanked the Africa group for its proposal and asked for further information on the position of other constituents with respect to the draft decision.

737. *The Employer spokesperson*, recalling that most Government representatives had expressed support for the text drafted by the Office, said that she had no objection to the amendment proposed by the Africa group, which essentially amounted to incorporating the two bullet points in paragraph 30 into the draft decision.
738. *Speaking on behalf of IMEC*, a Government representative of Ireland expressed support for the amendment proposed by the Africa group.
739. *The Worker spokesperson* said that, as the will of constituents was now clearer, he wished to sub-amend the amendment proposed by the Africa group. He proposed rewording subparagraphs (a) and (b) to include references to “risks and opportunities”, and adding a subparagraph (c) to convey that the results of the measures detailed in subparagraphs (a) and (b) would be presented to the Governing Body for discussion at its session in March 2020.
740. *The Employer spokesperson* said that, as the majority of members had expressed support for the proposal made by the Africa group, she failed to understand why the Workers were presuming to amend it. By making reference to analysing risks and opportunities, the new text changed the meaning of the text prepared by the Office, which merely referred to developing ILO capacity and the capacity of constituents.
741. *The Worker spokesperson* said that his proposed amendment had not been intended to antagonize members, but rather to facilitate consensus and offer the clearest text possible.
742. *Speaking on behalf of IMEC*, a Government representative of Ireland said that it was sometimes necessary for the Governing Body to be flexible in its working methods. She would support the Workers’ sub-amendment, which, in her view, added some extra terms without fundamentally changing either what had been proposed by the Office or what had been agreed by members.
743. *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire said that his amendment had only been intended to add greater clarity. He had no objection to the Workers’ amendment.
744. *The Employer spokesperson* said that her group had understood that the amendments to the draft decision as proposed by the Workers’ group would include paragraph 30 to the draft decision as subparagraphs following suggestions by the Africa group. Her group preferred to maintain the original draft decision as any changes would imply that further action would not be implemented until the next session of the Governing Body. Subparagraphs (a) and (b) should reflect the amendments proposed by the Workers’ group.
745. *The Chairperson* confirmed that the original text of the draft decision had been maintained in the amended draft decision and that the subparagraphs (a) and (b) would be added as proposed by the Africa group.
746. *The Worker spokesperson*, responding to a question regarding the relevance of subparagraph (c) in light of the ILO’s Development Cooperation Strategy for 2020–25, said that his group would prefer to maintain subparagraph (c) in the draft decision.
747. *The Employer spokesperson* said that the draft decision would require more clarity in order to provide concise guidance to the Office. The Employers’ group suggested that subparagraph (c) could be deleted to avoid repetition. In light of its support, subparagraphs (a) and (b) could be maintained as amended by the Workers’ group.
748. *The Worker spokesperson*, noting the support from IMEC, the Africa group and other governments, reiterated that the Office would be responsible for determining the

mechanisms required to present the Strategy. The group had no objection to paragraph 31 being included in subparagraph (c).

749. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) clarified that the Development Cooperation Strategy would be submitted to the Governing Body at its March 2020 session. The concerns of the Governing Body would be included in a global discussion to guide the Strategy preparations.
750. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group had no objections to subparagraphs (a) and (b). His group would accept subparagraph (c) if the Office could confirm that the concerns of the Workers' group would be considered in the Strategy.
751. *Speaking on behalf of IMEC*, a Government representative of Ireland reiterated her group's understanding that the results of subparagraphs (a) and (b) would be integrated into the Development Cooperation Strategy. She proposed that subparagraph (c) could be redrafted to read: "the results of the measures detailed in paragraphs (a) and (b) will be integrated into the Development Cooperation Strategy presented for discussion at the March 2020 session."
752. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania supported the IMEC proposals.
753. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group supported the draft decision as amended.
754. *The Employer spokesperson*, noting that the efforts to reach consensus came at a cost, said that her group would not oppose the proposals. The draft decision may pose problems for the Office.
755. *The Worker spokesperson* said that his group agreed with the amendments to the draft decision as part of the Development Cooperation Strategy. His group clarified that no decision or action would be taken before March 2020.
756. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) confirmed that no decision or action would be taken before March 2020.

Decision

757. *The Governing Body requested the Office to take into account its guidance on the ILO's engagement in innovative finance mechanisms and implement the proposed way forward, notably to:*
- (a) continue to build its knowledge of innovative finance mechanisms and to develop its capacities in that field accordingly, including by identifying and assessing the risks and opportunities relevant to decent work outcomes;*
 - (b) develop the capacity of constituents to further build their awareness of innovative finance mechanisms and of the risks and opportunities for scaling up decent work outcomes, as a basis for their potential engagement in such initiatives; and*

- (c) *integrate the results of the measures detailed in paragraphs (a) and (b) into the Development Cooperation Strategy to be submitted to the Governing Body for discussion at its March 2020 session.*

(GB.335/POL/4, paragraph 32, as amended by the Governing Body)

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 Regional Meetings and members of the Governing Body in relation to the authorities of a State of which they are a national or a representative ([GB.335/LILS/1](#))

758. *The Employer spokesperson*, noting that freedom of expression was mentioned in the Declaration of Philadelphia, said that his group shared the same views, interests and priorities as the Workers' group regarding the protection of delegates. Now he wished to hear the Governments' approval of the proposal for submission to the following session of the International Labour Conference in the light of the urgent need to eliminate the current protection deficit, the time already devoted to examining the issue in the Governing Body, the series of informal consultations that had been held to reach tripartite consensus, and the flexibility shown by the Employers' and Workers' groups during the previous Governing Body session in accepting a proposal for a mechanism that provided equivalent protection. Everything had been put in place; all that remained was for the Government group to come on board with writing a new chapter in ILO history. The Employers' group supported the draft resolution, which had already been submitted for its consideration, without reservation. The regulatory, legal and institutional frameworks and scope of application of the resolution were clearly defined, as were the duration of immunities and the procedure for waiving them. The draft resolution was innovative and reinforced the ILO's social and tripartite democracy. States would ratify it in their own time, based on their national circumstances and the commitment of other constituents. He called on the Governing Body to approve the draft resolution for submission to the Conference in the Centenary year.

759. *The Worker spokesperson* said that it was the sixth time that the item had been placed on the agenda of the Governing Body. Her group had requested its inclusion on the agenda in the light of a considerable gap in Annex I to the Convention on the Privileges and Immunities of the Specialized Agencies (1947). Freedom of expression and opinion were key to meaningful social dialogue, and tripartism could be effective only 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 reprisals. The draft resolution was the only clear-cut solution and legally sound way to fill the protection gap. As there appeared to be no legally equivalent alternative mechanisms to extend privileges and immunities to Workers' and Employers' delegates, and no substantive alternatives to the

proposed draft resolution had been submitted by Governments, her group firmly believed that there was no alternative to the current resolution and urged Governments to move forward on that pressing issue in the ILO's Centenary year. She supported the draft decision.

760. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC) and the Africa group*, a Government representative of Brazil said the members of the groups had undertaken the necessary consultations at the national level to appropriately vet the proposal to extend privileges and immunities to Workers' and Employers' delegates. While they were fully committed to finding ways to enhance protection for such delegates, they had reached the conclusion that the measure under consideration would pose insurmountable challenges in both legal and practical terms. Various Governments had indicated that their internal legal systems severely limited privileges and immunities for their own nationals and that the proposed amendment to Annex I could be considered unconstitutional or in violation of the law. The extension of protection to Employers' and Workers' advisers, as well as their exemption from any restrictions on their free movement, were also problematic. Given that so many members of the groups were not in a position to accept the proposed amendment to Annex I or to include it in their legal systems, they saw no other option than to withdraw their support for the inclusion of the item on the agenda of the Centenary Session. The groups also pointed out that any amendment to Annex I would have to be expressly accepted by the States parties to the 1947 Convention and that 57 ILO member States had not yet ratified said Convention. Moreover, the Conference Credentials Committee already reviewed complaints that were closely related to the concerns of the social partners, including those concerning delegates or advisers prevented from attending the Conference. The functions of the Credentials Committee could be enhanced through amendments of the Standing Orders of the International Labour Conference and, if necessary, the Governing Body could follow up on any outstanding issues. The same applied to the credentials committees of the Regional Meetings. With regard to the protection of members of the Governing Body, a tripartite committee could be established to address violations of members' freedom of expression through diplomatic means. Such a mechanism would be applicable to all ILO member States and not just those that accepted the proposed amendment to Annex I of the 1947 Convention. Neither GRULAC nor the Africa group supported the draft decision.

761. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that his group aligned itself with the preceding statement delivered on behalf of GRULAC and the Africa group. GRULAC wished to draw the Governing Body's attention to the following points: the proposed extension of immunity to advisers attending the Conference and Regional Meetings had no legal basis as it went beyond article 40 of the Constitution and the Conference resolution of 1970 concerning freedom of speech of non-governmental delegates to ILO meetings, which was still in effect; privileges based on freedom of expression were less pertinent to advisers, since they could not take the floor unless acting as substitute delegates; the distinction between delegates and advisers was important given the large number of advisers accredited to national tripartite delegations, and failure to observe that distinction would generate concern and uncertainty; in the countries of his region, the privileges and immunities afforded to parliamentarians, which were similar to the privileges and immunities that the document proposed extending to the Employers and Workers, were enshrined in national Constitutions and extremely restrictive in nature. GRULAC also wished to point out that in many, if not all, of the countries in the region, extending such privileges and immunities would be considered unconstitutional, and that there were legal and practical obstacles to extending the exemption from any restrictions on their free movement to the Employers' and Workers' delegates and advisers. Lastly, in order for the proposals set forth in the document to be effective, the 126 ILO member States that were already party to the 1947 Convention would have to accept the proposed amendment of Annex I and grant privileges and immunities that posed legal difficulties; the other 57 member States that had not yet ratified the 1947 Convention would have to ratify said Convention, as well as the amended Annex I; and another three member States that were

party to the 1947 Convention, but had not yet ratified its Annex I, would have to ratify the amended Annex I. GRULAC therefore wished to explore other more practical, effective and realistic paths, such as strengthening the functions of the credentials committees of the Conference and Regional Meetings or establishing a tripartite committee in the Governing Body to examine any violations of its members' freedom of expression. GRULAC was therefore not in a position to support the draft decision.

762. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that her group wished to align itself with the statement made on behalf of GRULAC and the Africa group. While the Africa group respected the rights of Workers' and Employers' delegates and fully supported their freedom of speech, it harboured reservations on what it viewed as attempts to grant privileges and immunities in an unrestricted manner, thereby overriding the jurisdiction of sovereign States. The process of waiving immunity in an emergency was also a source of concern. The Africa group did not support the draft decision.

763. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United States said that her group unequivocally supported the full protection of the freedom of speech of Employers' and Workers' delegates, but that the effectiveness of the revision of Annex I to the 1947 Convention hinged on its ratification by member States, many of whom had indicated that their governments would not be in a position to ratify the proposed amended Annex. The proposed amendments offered unprecedented immunities to private citizens and while the unique tripartite structure of the ILO may warrant the extension of such immunities, member States were carefully considering the implications of such a decision beyond its direct impact on the work of the ILO. IMEC wished to know what modality would be used to adopt the draft resolution at the Conference and expressed concern at the message that would be sent should member States not be in a position to support the resolution during a record vote. The Governing Body should not place the Organization in a position where it might take a decision that could be interpreted as undermining freedom of speech, particularly during its Centenary year. In view of the foregoing, the Office should clarify whether other mechanisms could be established to ensure the protection of Workers' and Employers' delegates in the exercise of their duties at the ILO. While IMEC understood that there were no alternative legal proposals to extend additional privileges and immunities to Workers' and Employers' delegates, the Office should explore proposals to establish stronger mechanisms for bringing concerns to the attention of the Office or the Governing Body and for engaging Governments when issues arose. Such mechanisms would draw greater attention to any issues and be more effective in resolving them.

764. *The Employer spokesperson* said that the Employers had noted the rejection of the proposal by various, but not the majority of, Governments. It was a great pity that such deep divides existed on freedom of expression and social justice, which were central issues for the ILO. It was clear that interpretations of the Declaration of Philadelphia varied. Instead of proposing alternative mechanisms or instruments at the current session, Governments with misgivings had repeated their reasons for refusing the draft resolution. To take no action would be to force the Workers' and Employers' delegates to face uncertainty and to expose them to risks. The Employers did not want that outcome. The limitations of existing ILO mechanisms, specifically, the Credentials Committee and the Committee on Freedom of Association, were clear. He emphasized that the next step at the national level would be, simply, ratification. The legal gap would then be filled by the legislature and the problem resolved. However, in view of the numerous opportunities provided and the lack of results yielded, he proposed ending the discussion on the issue.

765. *The Worker spokesperson* said that she held the ILO legal team in high esteem and assumed that they maintained their opinion given during the 334th Session (October–November 2018) of the Governing Body, which was that no viable alternative mechanism existed. The

lack of alternative proposals from Governments, the exhaustive explanations from the Office, and the significant amount of Governing Body time that had already been dedicated to the issue more than sufficed. While legal arguments for or against the proposal could always be found, political will among some Governments was lacking and there was no way forward. It was embarrassing and sad that the draft resolution could not be submitted to the Conference, when the Organization was celebrating 100 years of tripartism.

- 766.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) confirmed that the Office stood by the legal advice given at the 334th Session (October–November 2018): an amendment to the Annex to the 1947 Convention was the only legal way to fill the gap in the protection of the Employer’ and Worker’ representatives. The Governments had indicated that a number of them would not be in a position to ratify the amendment and to translate it into national law. In response to IMEC’s query, he said that the normal process for adopting such an amendment would be submission to the Conference followed by adoption by consensus. However, a record vote may be requested under article 19(6) of the Standing Orders by a show of hands of not less than 90 delegates, or by the Chairperson of a group. In response to queries about alternative mechanisms, he reiterated that no legal alternative existed and advised that the Credentials Committee of the Conference and credentials committees at Regional Meetings would have limited capacity, as they only sat during meetings and their mandate extended no further. The option of establishing a tripartite committee to manage complaints was within the scope of the Standing Orders of the Governing Body and the Office could provide further advice on how to move forward in that direction. However, that solution would be of a political or moral nature, not a legal one. The Office would accommodate further discussions in another form if the Governing Body so wished.
- 767.** *The Chairperson* impressed on the Governing Body that if there was no agreement on the draft decision, the discussion on the protection of Employer and Worker representatives in relation to the authorities of their own States through privileges and immunities would be definitively closed.
- 768.** *The Worker spokesperson* said that the debate on privileges and immunities and should be closed in view of the minimal prospects for progress. However, she emphasized that the Governments remained responsible for protecting freedom of expression for Workers’ and Employers’ delegates.
- 769.** *The Employer spokesperson* supported the proposed course of action and emphasized the responsibility that now lay with the Governments.
- 770.** *Speaking on behalf of IMEC*, a Government representative of the United States supported in principle the course of action proposed in the draft decision. However, in view of the discussions and the Office’s willingness to present a paper detailing other options, she was wondering how the draft decision could be amended to reflect that way forward.
- 771.** *A Government representative of Brazil* agreed that the discussion should be closed for the time being. He thanked the Office for its constructive response on available options and emphasized that a consensus-based solution that served the interests of the entire Governing Body was needed. He conveyed his high esteem to the ILO legal team and commended its work but stressed that the interpretation of domestic law was beyond its mandate. Furthermore, members of the Governing Body must be more attentive to different perspectives and legal systems; there was no one-size-fits-all model. He expressed deep disappointment in relation to comments that could imply that legally sound and legitimate concerns might be considered as not being presented in good faith.

772. *The Chairperson* confirmed that the draft decision could not be adopted and that the draft resolution would not be submitted to the following session of the International Labour Conference.

Decision

773. *The Governing Body did not approve the draft resolution in the appendix of document GB.335/LILS/1 for submission to the 108th Session (2019) of the International Labour Conference and closed the discussion on the matter.*

(GB.335/LILS/1, paragraph 3, as amended by the Governing Body)

Second item on the agenda

Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference ([GB.335/LILS/2\(Rev.\)](#))

774. *The Worker spokesperson* took note that a fourth set of amendments would be circulated by the Office following the current Governing Body session. She emphasized the importance of leaving sufficient time for consultations on the consolidation of comments into a comprehensive review of the Standing Orders of the Conference in order to reconcile any differing views on a number of proposed amendments. She supported the draft decision.
775. *The Employer spokesperson* welcomed the progress made and the opportunity to simplify the Standing Orders of the Conference. He asked the Office for information on how many further consultations were foreseen, which parts of the Standing Orders those consultations would address, the timetable for the completion of the comprehensive review and when a comprehensive set of amendments might be submitted to the Governing Body for approval or consideration. He approved the draft decision.
776. *Speaking on behalf of the Africa group*, a Government representative of Morocco noted with interest that no amendment would be decided until the Governing Body had taken a decision on the comprehensive set of amendments. He welcomed the consultation process and the transparent, balanced and impartial approach to gathering constituents' perspectives on each amendment. He did not object to any of the opinion trends expressed during consultations on the Conference committees, particularly concerning codifying certain practices, and supported the limitation of statements by representatives of non-governmental organizations to the opening sitting and only if time permitted. He also supported the clarification that the Drafting Committee would be convened with a changing composition depending on formal instruments to be negotiated and that its composition would reflect a geographical and linguistic balance. He further supported the suggestion to allow more time for speeches made on behalf of a group. Regarding the suggestion to specify that when an amendment was rejected, all similar amendments would fall, he said that those amendments must be meticulously checked to ensure that they were indeed similar. He supported the compilation of a fourth set of proposed amendments and would welcome an opportunity to discuss possible ways to streamline the overall structure of the Standing Orders.
777. *Speaking on behalf of IMEC*, a Government representative of the United States took note of the progress report with great interest. She wondered why, according to one comment, the Secretary-General of the Conference or his or her representative would need more than the

permission of the Chairperson to address committees. Requiring the Chairperson to consult the Vice-Chairpersons first would be very time-consuming as the Secretary-General or his or her representative intervened frequently to give necessary additional explanations, often on procedural or legal matters. IMEC looked forward to the circulation of the fourth set of amendments.

778. *A representative of the Director-General (Legal Adviser)* recalled that the initial intention was to complete the rationalization and simplification of the Standing Orders as part of the Governance Initiative of the Director-General in 2019, a goal that now seemed unrealistic. Therefore, the fourth set of proposed amendments would be circulated between the 335th Session (March 2019) of the Governing Body and the 108th Session (2019) of the Conference and would be discussed in the autumn. That meant that a consolidated text could only be ready for the Governing Body's consideration at its 338th Session (March 2020), it being understood that sufficient time had to be allowed for prior consultations on the draft text. The following items for consideration would be certain provisions concerning the Convention and Recommendation procedure and the Governing Body elections. In response to IMEC, he said that the last bullet point in paragraph 4 of the document was a comment the Office had received and did not reflect the Office's position.

Decision

779. *The Governing Body took note of the third progress report on the intersessional consultations concerning the comprehensive review of the Standing Orders of the Conference and provided guidance on the next stages.*

(GB.335/LILS/2(Rev.), paragraph 8)

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 2020 ([GB.335/LILS/3](#))

780. *The Employer spokesperson* said that forms for reports to be requested under article 19 of the ILO Constitution should include all substantive provisions of the instruments concerned, though not necessarily as separate questions, and should be drafted so as to closely reflect the content and wording of those instruments. Report form questions should not go beyond the scope of the instruments' provisions, and should not imply a legal obligation to apply the provisions, since report forms under article 19 were addressed to countries that had not ratified the respective Conventions, and Recommendations were, moreover, not legally binding. Since some of the questions in the report form did not faithfully reflect the instruments concerned, his group wished to propose a number of amendments to the form.
781. *The Worker spokesperson* welcomed the General Survey on care economy workers and noted that the report on the Future of Work Initiative had put the transformation of the care sector at the centre of implementing an agenda for gender equality. The report form was comprehensive and well designed to gather adequate information for analysis by the

Committee of Experts, and in turn to provide constituents with information to help increase ratifications of the Conventions and identify areas for further work by the Office. General Surveys were a valuable source of information, and the proposed report form was aligned with the recurrent item discussion on the strategic objective concerning social protection and would support informed discussions.

- 782.** The speaker noted that the General Survey would examine the different categories of care workers covered by the instruments, in both the formal and informal economies and with respect to direct and indirect care, and take into consideration the application of the relevant provisions to migrant workers, who played a significant role in the care sector. While more gender-specific questions would have been appreciated, she trusted that the emphasis on gender would be taken into account when assessing the responses to questions throughout the report form. She supported the draft point for decision, subject to tripartite consultations on the amendments proposed by the Employers.
- 783.** *Speaking on behalf of the Africa group*, a Government representative of Cameroon welcomed the choice of instruments for the General Survey, which related to the strategic objective of social protection. The report form was clear, appropriate and accurate and corresponded to the provisions of the selected instruments. He particularly welcomed the note clarifying that the form was to be used only with regard to unratified Conventions. His group supported the draft decision.
- 784.** *Speaking on behalf of IMEC*, a Government representative of the United States noted that, although her group had consistently asked the Office to ensure that questionnaires were concise, focused and grounded in the provisions of the instruments concerned, the proposed report form was nevertheless lengthy, containing 56 questions. It was regrettable that IMEC's proposed electronic consultations on the form in advance of the Governing Body session had not taken place, as that could have resulted in a shorter survey by combining questions and eliminating redundancies. She enquired about the efforts made by the Office to develop a more succinct survey, which would yield a higher response rate and more informative responses. If the issue was the number of instruments for the selected topic, consideration should be given to topics that included fewer instruments for future article 19 questionnaires. She requested the Office to make available a Microsoft Word version of the report form, in order that governments could complete it electronically.
- 785.** *A Government representative of India* welcomed the proposed General Survey on the situation regarding care work, an area of increasing demand in a context of ageing societies and the increased participation of women in the workforce. Care economy workers – often female migrants and women from ethnic minority communities – were frequently subjected to poor working conditions, particularly in terms of pay and hours of work. He therefore expressed particular appreciation for the inclusion in the report form of a separate section on migrant workers. He suggested that the issues of social protection and its portability, safeguards against violence in the workplace and the rights of freedom of association and collective bargaining for both nursing personnel and domestic workers should be included in that section of the report form, in order to facilitate understanding of the equivalence of provisions for migrants and for nationals. He supported the draft decision.
- 786.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that she had heard the delegates' call for more concise report forms. While it was difficult to find a balance between adequately addressing the number of instruments and their respective provisions, and keeping the number of questions in the report form to a minimum, greater efforts would be made in the future. The lack of early electronic consultations was an omission on the part of the Office but would be used in the future, and report forms that could be completed electronically would be made available on the ILO website.

787. *The Chairperson* said that the Employers' proposed amendments to the report form would be discussed in informal consultations, after which the amended form would be submitted to the Governing Body for approval.
788. *The Employer spokesperson* reported that a working group had managed to resolve the issues identified by each of the parties and a new version of the form had been circulated. One of the agreements had been to replace "other care workers" with "all categories of nursing personnel and domestic workers"; however, there had been an omission in question 48, where "nursing and domestic work and other types of care work" should be replaced with "all types of nursing and domestic work". The Employers' group approved the new version of the form, subject to the agreement of the Workers' group.
789. *The Worker spokesperson* indicated her group's agreement. She expressed satisfaction that agreement had been reached on the report form so that it could be circulated in a timely manner. Her group would encourage workers' organizations to respond so that the Office would have the most comprehensive information available to support the recurrent discussions. The Office should make available the necessary resources to ensure that the information gathered could be processed and published in a timely and user-friendly manner.
790. *The Employer spokesperson* reiterated the need for future report forms to closely reflect the content of ILO instruments. He added that consultations on the report form prior to the session would save time and facilitate approval by the Governing Body. Furthermore, the number of questions should be reduced.
791. *The representative of the Director-General* (Director, NORMES) said that the Office would rectify the omission in the revised report form and had noted the requests for support to constituents to assist them in engaging in the reporting for the survey process.

Decision

792. *The Governing Body:*

- (a) *requested governments to submit reports for 2020, under article 19 of the Constitution, on the Nursing Personnel Convention, 1977 (No. 149), the Domestic Workers Convention, 2011 (No. 189), the Nursing Personnel Recommendation, 1977 (No. 157), and the Domestic Workers Recommendation, 2011 (No. 201); and*
- (b) *approved the report form concerning these instruments set out in the appendix to document GB.335/LILS/3, as revised during the session.*

(GB.335/LILS/3, paragraph 4)

Fourth item on the agenda

Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006) ([GB.335/LILS/4](#))

793. *The Worker spokesperson* welcomed the fact that the Maritime Labour Convention, 2006, as amended, (MLC, 2006), had been ratified by 90 member States. Although no modifications to the report form regarding seafarers' protection against shipboard harassment and bullying had been proposed, as it was considered to have been adequately covered by the existing question on Guideline B4.3.1, she emphasized the importance of the amendment to improving seafarers' safety and welfare and the expectation in the Code that the *Guidance on eliminating shipboard harassment and bullying* was taken into account. She encouraged member States to report on efforts made to address shipboard harassment and bullying in their answers to the question concerning Guideline B4.3.1. The Workers supported the draft decision.
794. *The Employer spokesperson* said that his group understood that the proposed amendments to the report form were based on the advice provided by the Officers of the Special Tripartite Committee of the MLC, 2006, and were thus supported by the Shipowners. The Employers supported the draft decision.
795. *Speaking on behalf of the Africa group*, a Government representative of Chad noted that the proposed amendments to the MLC, 2006, and the corresponding modifications to the report form were intended to ensure that seafarers enjoyed decent working and living conditions. He emphasized that the MLC, 2006, benefited not just seafarers, but also the States that supplied maritime labour, and would therefore contribute to the achievement of Sustainable Development Goal 8 (decent work and economic growth). He expressed the hope that the MLC, 2006, would reach 100 ratifications during the ILO Centenary year, and supported the draft decision.

Decision

796. *The Governing Body approved the proposed changes to be inserted in the report form for the Maritime Labour Convention, 2006, as amended (MLC, 2006), to be used as the basis for the preparation of reports due under article 22 of the ILO Constitution.*

(GB.335/LILS/4, paragraph 7)

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

The Director-General's Programme and Budget proposals for 2020–21 ([GB.335/PFA/1](#))

797. *The Director-General* presented his Programme and Budget proposals for 2020–21 (his statement is reproduced in Appendix I).

Introduction and results framework (chapters 1, 2 and 3)

798. *The Worker spokesperson*, highlighting the ongoing challenges in realizing social justice 100 years after the creation of the ILO, said that the Programme and Budget proposals for 2020–21 should deliver on the Organization's mandate to realize decent work and social justice through the four pillars of the Decent Work Agenda and increased policy coherence. The ILO's success must be measured on its capacity to safeguard its mandate, its normative function and the added value of tripartism in the context of the United Nations (UN) reform process. With regard to the risk register, her group sought clarification as to why the ILO's tripartite nature had been identified as a risk in the register for 2020–21, while this was a comparative advantage that increased its positive impact in the context of the UN reform.

799. Concerning the development of a new results framework, the Workers supported the continued relevance and centrality of the Decent Work Agenda's four inseparable, interrelated and mutually supportive strategic objectives. The strategic objectives, as defined by the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration), should not be re-interpreted, and the alignment with the 2030 Agenda for Sustainable Development (the 2030 Agenda) should not be used to redefine the concept of decent work. Therefore, her group expected that the integrity of all four strategic objectives would be preserved when policy outcomes were identified in November. The inclusion of other decent work indicators as well as the Sustainable Development Goals (SDG) indicators would be pertinent in the results framework. The Workers had noted that indicators would be developed for short-term outputs and medium-term outcomes, whereas targets would be set only for outputs, and had asked whether limiting targets to outputs might be perceived as doubting the Office's capacity to influence policy implementation and compliance with legislation. Her group agreed that increased effort would be required to build the statistical capacity of the Office and member States, and therefore supported the allocation of additional resources to labour statistics in the biennium 2020–21 in order to measure SDG indicator 8.8.2.

800. In terms of the key areas of future ILO action, more should be done to ensure universal respect for the right to freedom of association and collective bargaining including through increased ratification 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). Respect for international labour standards would be central to the ILO's contribution to the UN reform and delivery of the 2030 Agenda; the Workers therefore expected to see ratification and implementation targets in relation to the results indicators established for each policy area, and adequate resources allocated. In the face of globalization and technological change, the ILO should address the needs of all workers, not only the most vulnerable and disadvantaged. The Programme and Budget for 2020–21 should include a policy outcome on collective bargaining and industrial relations in order to address growing concerns relating to income inequality. The role of the social partners in shaping socio-economic policies should be reflected in increased allocation of human and financial resources. Changing production patterns influenced by the digital society and the platform economy must be addressed by strengthening labour institutions, rights at work, employment relationships and labour protection measures, in addition to a focus on addressing occupational safety and health challenges. Turning to the four cross-cutting policy drivers, the ILO's 2015 *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, with the effective participation of the social partners, should form the basis for the driver on a just transition to environmental sustainability. The policy driver on gender equality and non-discrimination should address structural obstacles to gender equality and help design policies that would generate greater opportunities for women to access decent and well paid jobs. The Office should consult constituents following the 108th Session of the International Labour Conference in order to further develop the programme and budget proposals to be discussed at the upcoming October–November session of the Governing Body.

- 801.** The Workers' group supported the possibility of the ILO influencing initiatives of and partnering with, other UN organizations as part of the implementation of the 2030 Agenda, as long as tripartism and international labour standards were promoted and not diluted in the process. Priorities identified by ILO constituents should remain the highest priority. Close consultation and cooperation with the constituents would be required for future programmes and budgets. The group asked which external experts the Office was planning to consult for the preparation of the results framework.
- 802.** Concerning chapter 3 of the document, the ILO Staff Union should be consulted on UN reform-related initiatives concerning common premises, harmonized processes and pooled resource management, as well as on issues that affected staff employment, including the removal of clerical support functions. The Workers asked the Office to confirm how long the Business Process Review would be continued by a team financed by savings identified as a result of its work, and what would happen when savings were no longer possible. With regard to Decent Work Country Programmes (DWCPs), these should be based on the priorities of ILO constituents and shape national development strategies and United Nations Development Assistance Frameworks (UNDAFs). New DWCPs should cover the four strategic objectives and include relevant decent work indicators for each objective. The discussion of innovative financing modalities during the current session would determine the mandate that the Governing Body would provide to the Office in that respect. Lastly, diversity among staff should go beyond geographical diversity and gender balance to include persons from workers' and employers' organizations.
- 803.** *The Employer spokesperson* said that the Programme and Budget proposals for 2020–21, as the first in the Organization's second century, must meet constituents' needs. Decisions on the Organization's strategic outcomes would have to be made in the light of the outcome document of the Centenary Session of the International Labour Conference, especially considering the possibility of using the programme and budget as a follow-up mechanism to the outcome of the Conference. The involvement of the tripartite constituents in the consideration of any document that may have an impact on the programme and budget was therefore key. It was important for the Office to prioritize new and unfinished areas of work to facilitate decent work, including: fostering an environment that favoured productivity

growth in order to enable enterprises to create decent jobs; anticipating skills needs and providing constituents with effective capacity building; developing expertise and disseminating good practices on job transition support schemes; supporting countries to have dynamic labour markets and better tackle informal employment; promoting research and action on sustainable social protection systems; ensuring the balance, relevance and effectiveness of international labour standards and non-binding forms of normative guidance; and strengthening social dialogue and the role of the social partners. The Programme and Budget for 2020–21 should fully integrate the decision that would be made on the ILO-wide strategy for institutional capacity development. Policy outcomes and outputs should be designed in such a way that the constituent organizations, including the social partners, were better able to influence policy, improve legislative implementation and give value to their members. The work of the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) was paramount in that regard, particularly in light of the Governing Body's previous decision on the preliminary overview of the Programme and Budget proposals for 2020–21, amended by his group to include a reference to strengthening constituents' institutional capacities. He proposed that the specific language of the amended decision be maintained in the draft decision currently before the Governing Body.

- 804.** Given the need to prioritize, his group wished to know whether the Centenary Initiatives would be continued in 2020–21. Expressing concern regarding the increase in unfinanced commitments through action plans or road maps, he asked how the outcomes of general or recurrent discussions could be used more effectively to inform the programme and budget. When such outcomes were not integrated into the Office's biennial planning, constituents had unrealistic expectations of capacity development and technical cooperation. Given the planned review of the enabling outcome on effective knowledge management for the promotion of decent work in November 2019, he reiterated that the ILO's knowledge strategy should be based on constituents' needs. He expressed disappointment that ACT/EMP and the International Organisation of Employers (IOE) had not been involved in the development of an implementation plan for the knowledge strategy 2018–21. He reiterated the previous request that an update in that regard be discussed by the Governing Body and called for timely consultations so that the Office could provide an update at its next session.
- 805.** The programme and budget was not aspirational; it should take into account constituents' needs and preferred future scenarios, and help the ILO to reposition itself in the context of UN reform and realize the Decent Work Agenda. The methodology used to develop the new results framework was a positive step in response to previous conference discussions and towards addressing the External Auditor's 2016 finding that the ILO's results-based management system had yet to manifest better results and accountabilities in line with the ILO strategic objectives. Noting that the results framework would be based on a theory of change, he asked the Office to provide the rationale for adopting that approach and its advantages. The theory of change should properly frame the root causes of the challenges facing the world of work and help constituents to construct visible solutions in their local contexts. Recognizing the complexity of measuring many areas of the ILO's work, he noted that the proposed chain of results aimed to improve its accountability and help constituents to achieve the intended outcomes and strategic objectives. However, in order to change people's lives, the ILO's proposed outputs must be based on constituents' evolving needs.
- 806.** *Speaking on behalf of the Asia and Pacific group (ASPAG), the Eastern European group, the group of Latin American and Caribbean countries (GRULAC), the group of industrialized market economy countries (IMEC) and the Western European group,* a Government representative of Poland thanked the Office for publishing the Programme and Budget proposals for 2020–21 in a timely manner and for organizing briefings for regional groups, and expressed appreciation for the Office's commitments and efforts to increase

efficiency and effectiveness. Preparing a budget for 2020–21 prior to the adoption of the outcome document of the Centenary Session of the Conference was a challenging task. Moreover, as many member States were facing economic constraints and the demand for technical support was growing, the Office would have to prioritize its activities. The Governments that she represented remained open to further discussion on the programmatic elements of the programme and budget proposals.

807. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that as the first programme and budget of the ILO's second century, the Programme and Budget proposals for 2020–21 should be more efficient and accountable to constituents' needs. He welcomed the new results framework, which would clarify how the ILO was performing and enhance its accountability. He expressed the hope that the new framework, based on a theory of change, would yield considerable advantages compared to past fragmented approaches. The Office should promote synergies across outcomes, cross-cutting policy drivers and results, which should be captured in the document. Underlining the importance of the Global Commission on the Future of Work's report, he noted that the theory of change should respond to the major trends that had an impact on the world of work. The ILO should maximize its influence in promoting decent work for all through direct cooperation with member States and through its contribution to the multilateral system. In that regard, it was crucial that the ILO should both contribute to and benefit from the UN reform. In order to succeed, the programme and budget should be inclusive and respond to the needs of all constituents. ASPAG asked the Office to consider a more proportionate distribution of financial and human resources to the region. His group was closely following the Human Resources Strategy 2018–21, supporting the Director-General's efforts to ensure greater transparency and fairness in recruitment and human resource management. However, despite efforts to achieve geographical diversity, many qualified applicants from his region were still not being recruited to the ILO. He endorsed the reinforcement of the Organization's knowledge leadership and encouraged the Office to take key lessons learned into account.

808. *Speaking on behalf of the Africa group*, a Government representative of Eswatini welcomed the Programme and Budget proposals for 2020–21, which contributed to the implementation of the Strategic Plan for 2018–21 and the Human Resources Strategy 2018–21. The document reflected the Governing Body's resolve, at its 334th Session, to focus on building the institutional capacities of the tripartite constituents during the current biennium. The Office had emphasized the importance of strengthening the ILO's collaboration with other development partners and the unified UN system to maximize its resource mobilization potential; in that regard, he noted with appreciation that the Office would be co-chairing the United Nations Sustainable Development Group's (UNSDG) Strategic Results Group on strategic partnerships. The fact that the efficiency gains accrued from initiatives to strengthen operations would be redeployed in programmes for the respective ILO tripartite constituents was commendable. His group looked forward to the breakdown of programme proposals, between March and August 2019, into specific policy outcomes complete with outputs, performance indicators, targets and funding.

809. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that all efforts to make efficiency savings were timely and welcome. Although his region would tend to favour a zero nominal growth budget in the current climate, it recognized the importance of the proposed nominal increase for the successful implementation of the ILO's mandate. Nevertheless, he urged the Office to present a new plan containing well-defined priorities for immediate needs, predictable resource requirements for medium-term needs and ways in which those needs could be met by efficiency savings. In order to meet the Organization's security needs, the proposed security work could be incorporated into phase 2 of the headquarters building renovation project to yield efficiency savings. He regretted that no resources were allocated in the proposals to the pending legal cases concerning the decisions

of the International Civil Service Commission (ICSC) regarding the post adjustment index for Geneva.

- 810.** In June 2018, the Governing Body had decided that resource allocation for various programmatic priorities in the 2020–21 biennium would only be determined in the second half of 2019, in the light of the outcome of the Centenary Session of the International Labour Conference. It was therefore essential that the Governing Body did not take decisions at the current session that pre-empted such an outcome. GRULAC appreciated the commitment displayed in the proposals to aligning results with the 2030 Agenda for Sustainable Development and to making the ILO a key participant in the UN reform process.
- 811.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom commended the Office's commitment to increased effectiveness, efficiency and value for money, and welcomed the inclusion of a risk management plan in the programme and budget proposals. IMEC attached importance to further strengthening results-based management in the ILO. To that end, IMEC supported efforts to develop a new results framework to operationalize the ILO's strategic objectives and allow it to clearly demonstrate the value of its work. Developing the theory of change in the design of ILO programmes should serve to make it easier for the Office, as well as constituents, to follow a process where the impact of the ILO was clearly visible and logically linked to change on the ground.
- 812.** With respect to accountability, she noted with concern that the proposals appeared to assign significant responsibility for achieving the ILO's strategic objectives to a diverse set of stakeholders. Any revised strategy must enable constituents to assess the ILO's performance in achieving those objectives. Moreover, the proposed results framework did not accurately reflect the four strategic objectives of the Decent Work Agenda, as set out in the Social Justice Declaration. She cautioned against conflating decent work objectives with those pertaining to social justice and changes in people's lives. In addition, the proposals focused more on outputs than on outcomes, which would make it even more difficult to assess the impact of ILO action. IMEC stood ready to work with the Office on the development of an improved results framework, which needed to include a gender equality perspective, for the Governing Body's consideration in November 2019.
- 813.** While the positive approach to UN reform outlined in the document was welcome, some areas of ILO action must remain priorities through any transformative changes in the world of work. First and foremost, normative action must remain at the heart of the ILO's work in order to ensure the effective and efficient functioning of its long-standing and well-respected supervisory system. Furthermore, fundamental rights at work, strengthening labour inspectorates and improving workplace safety and health would be essential to the achievement of the Decent Work Agenda. In addition, the role of development cooperation was integral to the work of the ILO and should be reflected in the regular budget. In that regard, IMEC welcomed the anticipated elaboration of a development cooperation strategy that would expand partnerships and cooperation with other international organizations. Lastly, the group supported the ongoing efforts of the Office to improve the quality, academic rigour and independence of the ILO's research with a view to improving policy impacts.
- 814.** *A Government representative of China* expressed support for the Office's commitment to aligning the programme and budget proposals with the 2030 Agenda for Sustainable Development, the increase of US\$2.9 million in the budget for front-line technical services, and the proposed new results framework. Indicators contained in the framework could be improved to comprehensively evaluate progress towards achieving decent work. The budget proposals should reflect the actual needs of member States and increase support for developing countries, particularly for employment creation and the improvement of social protection systems. As member States were in urgent need of ILO technical support to

achieve the SDGs, he urged the Office to implement the resolution concerning effective ILO development cooperation in support of the SDGs, adopted by the International Labour Conference in 2018. Given that many member States, including China, remained under-represented in the ILO workforce, he called on the Office to take practical measures to ensure that the relevant targets of the Human Resources Strategy 2018–21 were achieved as soon as possible.

- 815.** *A Government representative of Brazil* said that his Government would welcome further efforts to streamline existing strategic objectives, the Decent Work Agenda, the objectives of the ILO's Strategic Plan for 2018–21, and the policy outcomes and cross-cutting drivers that had been used to guide and assess the activities of the Office. As it was unlikely that clear consensus around the complex decisions regarding the results framework and its theory of change would be achieved during the October–November Governing Body session, he would welcome inter-sessional tripartite consultations on a future proposal with a view to streamlining the framework. Given that efforts towards fiscal responsibility were currently under way in many member States, it did not seem fitting to expect them to increase contributions to the strategic budget as proposed, and his Government was not in a position to assume additional financial commitments.

The strategic budget (chapter 4)

- 816.** *The Employer spokesperson* said that his group supported an increase in real terms to the budget so that the Office would be able to effectively fulfil its mandate as it entered its second century. The Information Technology Strategy 2018–21 was crucial, as it would improve Office-wide information technology (IT) systems, enhance staff productivity and facilitate outreach to constituents, and it was important that the premises of the ILO should meet the security requirements of the UN Department of Safety and Security (UNDSS). His group's concerns relating to the funding of the offices of the UN resident coordinators were known. He welcomed the fact that the US\$940,800 of efficiency gains would be used to strengthen policy outcomes, as the ILO's services were needed in countries where labour standards were under pressure by various labour market transformations. He recalled his group's appreciation of the additional allocation for ACT/EMP and encouraged the Office to continue strengthening the capacity of employers' organizations. Given that the private sector was, and would continue to be, a key provider of jobs, the budget for employers under policy outcome 10 should be expanded. Although the budget for Employers' activities had been increased in recent years, it remained less than half of the budget for Workers' activities. The Employers considered that there should be an equal budget for equal value and would not continue to accept inequities in the future. Lastly, the Employers wished to draw attention to the need for a transparent strategic budget that would allow the Governing Body to appreciate how the budgets for policy outcomes were calculated, as well as an enhanced accountability framework that would indicate where funds were allocated and delivered. Moreover, the Governing Body should be informed of how individual policy departments and regions would attribute their budgets to future policy outcomes. While the Office had already developed a resource-tracking tool to monitor allocations, it should also conduct an ex post facto financial analysis of the programme and budget and take that analysis into consideration when drafting future programme and budget proposals.

- 817.** *The Worker spokesperson* said that while the Workers were usually in favour of an increase in real terms to the budget, they were surprised that none of the proposals entailed an increase to the ILO's front line and policy areas in spite of a growing demand for ILO services. With regard to the proposed increase in the ILO's contribution to the UN resident coordinator system, her group remained concerned that the resident coordinators were not accustomed to working with the social partners and were not familiar with the normative mandate of the ILO. It therefore needed assurances that the resident coordinators would duly take into

account the concerns of workers and the normative mandate of the ILO in country-level activities. Noting a reference to reorganization in paragraph 112, she asked whether the Office was considering making changes to the way in which ACTRAV and ACT/EMP functioned and said that the Staff Union must be consulted on any changes that would affect ILO staff. Also, noting the lack of provision made in respect of the pending legal challenges to the decisions to reduce the remuneration of Geneva-based international staff, she asked what would happen should the Administrative Tribunal rule in favour of the staff and what sort of impact it would have on the budget for 2020–21. Lastly, she said that the Workers would be willing to meet with the Employers to discuss how the budget was distributed within various outcome indicators, including outcome 10.

- 818.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that the delayed ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, had seriously undermined efforts to optimize the functioning of the Organization, as equitable representation had not been realized in the ILO's governance structures. Given that promotional activities surrounding the ratification of the Instrument had been met with limited success, other measures must be explored and included in the programme and budget for the next biennium. The Africa group welcomed the development of an action plan under the Human Resources Strategy 2018–21 to ensure geographical diversity and gender balance among its staff. Full information on the current composition of ILO staff should be provided so that the Governing Body would be able to effectively monitor the implementation of the plan and ensure that progress was being made. The Africa group considered that it lacked sufficient information to make an informed decision on the proposed budget for the Building and Accommodation Fund, as it was unclear which properties would be refurbished and what the costs of the refurbishments would be. The refurbishment of the ILO Regional Office for Africa in Abidjan, Côte d'Ivoire, should be a priority, and the building should undergo a comprehensive assessment in that regard. The Africa group noted with concern the information contained in paragraph 99, particularly the lack of provision made in respect of the pending legal challenges to the decisions to reduce the remuneration of Geneva-based international staff. The Office should explain the absence of contingencies in the budget, as well as the mitigation measures envisaged should the Administrative Tribunal rule in favour of the staff. Lastly, the Office should indicate whether it had considered a staggered approach to the proposed increase to the budget.
- 819.** *Speaking of behalf of ASPAG*, a Government representative of China said that his group would welcome further clarification on the proposed changes to the IT system and to security. The proposed budget increase would be problematic for various States in the region in the light of public financing constraints.
- 820.** *Speaking of behalf of IMEC*, a Government representative of the United Kingdom said that while her group fully supported the work of the ILO and considered that it should be adequately funded to fulfil its mandate, it should also strive to be as efficient and effective as possible and to prioritize its work so as to achieve the maximum impact on behalf of its constituents. IMEC would have welcomed more time to understand the reasons for the departure from zero-real-growth budgets and noted with concern that the Office was requesting US\$31.7 million for extraordinary expenditure. Given that efficiency savings resulting from the ILO reform and from the continuous improvement process had enabled the redeployment of some US\$58 million, it was unclear why the Office had not prioritized the institutional infrastructure required to ensure that the ILO remained fit for purpose in the redeployment of those efficiency savings, and why the additional US\$2.9 million of efficiency savings and US\$5.6 million of efficiency gains identified in paragraph 17 were not being directed towards the extraordinary expenditure set out in the proposed budget. By redeploying all efficiency savings to front-line work, the Office had increased its regular spending on policy outcomes, when it could have shared the savings across policy outcomes

and infrastructural needs. Referring to the reallocation of efficiency savings across organizational priorities and needs in the Programme and Budget proposals for 2010–11,² she asked why the Office had not adopted a similarly balanced approach in subsequent programme and budget proposals.

- 821.** Recognizing that the average amount of unforeseen expenditure over the previous ten biennia had been considerably in excess of its regular provision, she agreed that the regular amount should be increased, but through a readjustment of priorities within the ordinary budget. The increase in the ILO's contribution to the UN resident coordinator system should be covered with existing resources. Similarly, the proposed increase to the Building and Accommodation Fund should be sourced from efficiency savings or a reprioritization of the budget, and its project proposals required further explanation, particularly on their relative urgency. The Information Technology Systems Fund should be funded from those same sources and its project proposals had similar shortcomings. Information on how the ILO's approach to IT investment compared to other UN agencies would be welcome. Regarding security, she asked whether the proposed measures were essential to meet UNSS requirements or if alternatives existed. In the meantime, IMEC would endorse the implementation of measures (a)–(d) of phase 1 through internal adjustments to the ILO security budget and a review of the cost sharing of security allocations with the regions. In the interests of efficiency, any further security work should be considered alongside the proposed phase 2 of the headquarters building renovation project. She requested clarification on the rationale for funding all of the increased costs from the regular budget and stated that some costs could be equally covered by extrabudgetary or voluntary contributions and a more realistic assessment of the need to increase assessed contributions was necessary. She welcomed proposals from the Office on further efficiency savings.
- 822.** *A Government representative of Brazil* indicated that the comments he made on behalf of GRULAC during the previous part of the debate were also relevant to the discussion of the strategic budget.
- 823.** *A Government representative of the United States* said that her country recognized the relevance of the ILO's constitutional mandate and its Decent Work Agenda to the 2030 Agenda and the SDGs, but emphasized that each country must work towards implementing those goals in accordance with its own national policies and priorities. Expressing support for a zero nominal growth budget and concern about the justifications for increased spending on the UN resident coordinator system and the Information Technology Systems Fund, she urged the Office to review these and other proposed increases with a view to covering the costs from efficiency savings.
- 824.** *A Government representative of China* said that his country was willing to increase its contributions to the ILO provided that improvements in efficiency and quality of services continued. He expressed concern about the proposed budget increase for 2020–21, particularly in view of the significant economic pressure on many member States, including China. He requested the Office to find alternative financial sources, such as through improving internal management efficiency or selling surplus land. He also requested the Office to provide more information on security.
- 825.** *A Government representative of the Russian Federation* said that his country welcomed the details included in the Programme and Budget proposals for 2020–21 but suggested removing the “adjustment for staff turnover” row from table 2 on page 19 in order to avoid confusion. He thanked the Office for providing numerous clarifications to member States and welcomed the steps taken to increase efficiency savings. Noting the redeployment of

² [GB.304/PFA/3](#).

some US\$58 million from administrative processes to front-line technical work, he requested that in the future the Office provide information on which departments were assigned additional posts and on the decision-making process – specifically, who and how – on the deployment of efficiency savings. He expressed concern about the 5 per cent nominal increase in the proposed budget 2020–21. While acknowledging the arguments adducing the proposed budget increase, he questioned the need to increase contributions from member States. The Office should, in the first instance, cover those costs by using available resources, seeking additional savings or sourcing voluntary funding. The proposed IT upgrades seemed ambitious for a single biennium. He suggested spreading those upgrades, and their associated costs, across several biennia. Multilingualism at the ILO was currently unsatisfactory. The legal basis for identifying “official” and “working” languages was unclear and the imbalance in staff employed in language services was unjustified. The Office must pay equal attention to all languages used in its day-to-day work, including through appropriate staffing and financial support for language services.

- 826.** *A Government representative of Bangladesh* said that the effective and efficient delivery of services to constituents was crucial in view of the unprecedented changes affecting the world of work. The proposed budget increase for 2020–21 sought to increase contributions from member States and support from development cooperation partners and yet a reduction in funding from donors had been identified as a risk in the programme and budget proposals. In that context, he stressed the importance of reallocating resources in a balanced manner, particularly to developing countries. In view of the proposed increase in contributions to the UN resident coordination system and the already significant sum being spent on country-level programme implementation, the Office should make adjustments to ensure the costs of service delivery did not increase further.
- 827.** *A Government representative of the Republic of Korea* said that his country, while supportive of investments in IT and security infrastructure, was concerned about the 4 per cent real increase in the budget, particularly as the ILO had maintained zero real growth in previous years. He encouraged the ILO to keep budget increases to a minimum, such as by utilizing efficiency savings or expanding the expenditure timeframe in order to distribute the budget increase over a longer period.
- 828.** *A representative of the Director-General* (Director, Strategic Programming and Management Department (PROGRAM)) thanked members for their inputs, which would help the Office to finalize the Programme and Budget for 2020–21, and recalled that the Governing Body would have another opportunity to review the proposed results framework in October–November 2019. Responding to comments, he said that the Office had no intention of reinterpreting the ILO’s strategic objectives. Figure 1 had been provided simply to highlight the links between the Decent Work Agenda and the 2030 Agenda – with a focus on SDGs 8, 1, 10 and 16 and corresponding indicators under the ILO’s custodianship – and to illustrate how the ILO could contribute to achieving social justice through decent work. Members’ concerns about the wording and the link to SDG indicators had been duly noted and would be considered to further develop the results framework keeping in mind the need to remain focused.
- 829.** As to the concerns regarding the risk of diluting the Office’s ambitions in terms of the results framework outputs, he noted that the introduction of three levels – outputs, outcomes and the strategic objectives – was based on specific recommendations made by independent assessments and audits and was part of the follow-up to the 2016 Conference resolution on Advancing Social Justice through Decent Work. This would help align the ILO’s results frameworks’ structure with that of other UN entities. The proposed outputs would be formulated differently than in the past and in fact would be more ambitious, corresponding to change related, inter alia, to the development of capacities of governments, employers’ and workers’ organizations. Shared responsibility for the strategic objectives meant that the

Office should be evaluated on its effectiveness in respect of generating quality outputs that lead to sustainable outcomes, for example in terms of influencing policy changes.

- 830.** *A representative of the Director-General* (Treasurer and Financial Comptroller) explained that the strategic risk register clearly acknowledged that while tripartism was a unique strength of the ILO, it could also present unique challenges. The aim was to ensure that managers recognized risks and implemented measures to mitigate or avoid them for this and any other risk. With respect to the pending decision by the ILO Administrative Tribunal on the ICSC decision on staff pay, he confirmed that the calculation of cost increases presented in the Director-General's proposal was based on current costs and did not speculate on the outcome of the complaint. The estimates of salary costs in the budget had always been based on official UN or ICSC data. Due to the cost reductions resulting from the ICSC cut in staff remuneration the Director-General's proposed cost increases had been estimated at only 1 per cent for the biennium. If the post adjustment was to be increased to its March 2017 level, the proposals for 2020–21 would not be sufficient to cover the cost and a supplementary budget or resource redeployment would need to be considered.
- 831.** The proposed increase in the provision for the Building and Accommodation Fund was intended to fully implement the Governing Body's 2011 decision regarding the long-term strategy for the financing of periodic refurbishment and renovation of all ILO buildings, given that only half of the agreed target for that provision was included in the current budget, with the existing provision having been provided through resource redeployment. In addition to the headquarters building, the ILO owned properties in eight locations worldwide, all of which would need refurbishment at some stage. The intention was to ensure funds would be available to cover such work when it would be required.
- 832.** As set out in the IT Strategy 2018–21 and summarized in Information Annex 3, the main reason for investment in IT was obsolescence. As the first two years of the period covered by the IT Strategy were not funded, only the highest priority items had been included in the proposal for 2020–21. The proposal was limited to items that could be delivered at least partially in the biennium.
- 833.** The proposal by the Russian Federation on the provision in the strategic budget for staff turnover would be explored, based on the understanding that it was a matter of presentation, rather than of recalculation.
- 834.** *A representative of the Director-General* (Deputy Director-General, Management and Reform), noting that the Business Process Review would be continued by a business innovations unit, said that time efficiencies of an average of 20 per cent had been identified across the departments that had already been subject to a review, the realization of which was ongoing. Where efficiency savings had an impact on staffing numbers, the changes were being realized progressively through natural attrition and job redesign. The increase in the retirement age had an impact on when those efficiency gains would be fully realized. The business innovations unit was currently conducting a review of the International Labour Standards Department and would then continue to work more broadly across the Policy portfolio, in particular in support services, and on field operations, with a focus on administrative and back-office processes, considering also a number of UN reform initiatives. Some activities in the Management and Reform portfolio would be revisited. The Business Process Review initiative was intended to be ongoing and self-funded, paid for by the savings identified. A number of other UN entities were interested in the approach taken by the ILO in that respect and saw the ILO as a leader in that area.
- 835.** With regard to the security perimeter, he explained that the Programme and Budget proposals for 2020–21 presented the first opportunity to request funding for that work, which was directly linked to the change in Switzerland's security risk level from minimal to low,

as endorsed by the UNDSS. Full compliance with the required measures for that new risk level would involve a double ring of security, in the form of a perimeter fence for the property as the outer ring, and improved security for the building as the inner ring. As a minimum course of action, if requested, the Office could provide a proposal based on implementing only the inner ring, in the knowledge that it would not fully comply with UNDSS requirements. Proposals could also be provided, if requested, on including security measures in phase 2 of the headquarters building renovation project. The latter approach, while reducing the scale of costs involved, would nonetheless not absorb the full costs of improving security.

- 836.** With respect to the suggestion that all seven languages used by the ILO should be given equal attention, he noted that such a move would involve a significant increase in the costs of providing translation and interpretation services. Over the biennium, the increase in costs would be approximately US\$37 million, which would give a total cost of US\$78 million.
- 837.** *The Director-General* said that the Office had taken note of the Governing Body's keen desire for a strong focus in the planning of future programming priorities and in particular the points raised by the non-governmental groups. As agreed, however, the decisions on programming priorities would be taken after the Centenary Session of the International Labour Conference. He did not see the need to maintain the Centenary Initiatives as such after the Centenary Session, as they would have served their purpose by that point. However, the consequences of all seven Initiatives, in particular the Future of Work Initiative, would live on in the ILO's future activities, which would clearly be guided by the work achieved.
- 838.** In response to suggestions that the Office had not sufficiently substantiated the cases for the proposed institutional investments, he recalled that the Governing Body had approved the IT Strategy 2018–21 at its 331st Session (October–November 2017); constituents had previously engaged in in-depth discussions on the Office's proposals for the Building and Accommodation Fund; detailed documents had been submitted to the current session of the Governing Body on the issue of security; and the Governing Body was aware of the key issues pertaining to the unforeseen expenditure and the UN resident coordinator system. Further information to justify the investments could, however, be provided if necessary.
- 839.** As to whether resources raised through efficiency savings could be redeployed to cover institutional investments to be funded through proposed budget increases, he recalled that previous suggestions to invest in those areas in a zero-real-growth context had been rejected by the Governing Body. Furthermore, the Office had already made a number of investments in those areas, including substantial investments in IT funded from budgetary surpluses. The Office would return to the Governing Body later in the current session with revised budget proposals after exploring how to reduce the amounts involved to their critical minimum; discussing whether investments could be staggered or time frames extended to minimize immediate outlays; and examining the possibility of absorbing investment costs through the internal redeployment of resources within existing levels of the budget without impinging on key programmatic areas. However, institutional investments were unavoidable and a departure from the path of zero real growth might still be required.
- 840.** *The Worker spokesperson* said that she understood the difficulties facing the ILO, especially given the need to prepare the Organization for the future. Her group had continually voiced its preference for a slight budgetary increase to fund policy areas to enable the ILO to deliver on its mandate and serve its constituents. It would be important to strike a balance between the necessary investments and delivering on ILO policy areas without diminishing policy services.
- 841.** *The Employer spokesperson* said that the prioritization of short-term gains and postponement of improvements would likely incur higher costs and complications in the long term. To

safeguard the ILO – the only global tripartite forum – the Governing Body would need to find a balance between financial efficiency and service delivery. The ILO needed to be able to continue to strengthen policy areas and focus on certain programmes and regions that required more attention than others. It was vital to ensure that the ILO was functioning optimally; indeed, constituents regularly proposed suggestions on how the Office could improve. However, the Office could only improve with support from constituents. The Governing Body had responsibility for the oversight of the ILO's work and should seek to reduce the financial pressure on the Office where possible. For instance, now that it had been informed of weaknesses in the Office's IT systems, the Governing Body could be held responsible in the event of a cyberattack.

- 842.** Clarifying his earlier comment on linguistic diversity at the ILO, *a Government representative of the Russian Federation* said that there was no need to increase the budgetary allocation to language services; rather, the language services already provided should receive equal treatment. The Office should indicate the basis on which it made a distinction between official and working languages. It was also unacceptable that some language services were not afforded the same level of staffing as others.

The Director-General's proposals for adjustments to the Programme and Budget proposals for 2020–21 ([GB.335/PFA/1/1](#))

Draft resolution (chapter 5)

- 843.** *The Director-General* presented his proposals for adjustments to the Programme and Budget proposals for 2020–21 (his statement is reproduced in Appendix II).
- 844.** *The Employer spokesperson* expressed regret that extreme cost-cutting measures had been made to various components of the proposed institutional investments, including with regard to the IT Strategy and the security of the ILO headquarters building. Not only was it financially prudent to make those necessary institutional investments now, doing so would also demonstrate that the ILO cared for its staff in line with its human-centred agenda.
- 845.** Referring to the budget for the UN resident coordinator system, he recalled that the decision to double the ILO's contribution for 2019 had been made on an exceptional basis by the Governing Body at the 334th Session. The Governing Body had not given the Office the green light to increase its contribution to finance the resident coordinator system in subsequent biennia, especially as it was unclear how that investment would benefit the ILO. His group had specifically requested the Office to present the challenges and implications of the UNDS repositioning for the ILO to the Governing Body and to revisit the additional costs. The Office was now proposing to fund the system at the expense of policy outcomes. The proposed budgetary reductions provided a solution that was unsustainable and would hinder the ILO's ability to execute its core work. Furthermore, in the context of UN reform, the Governing Body had repeatedly emphasized the need to leverage the ILO's comparative advantage, notably its normative mandate and tripartism. It was therefore unreasonable to put the Governing Body in a situation in which the means and resources to strengthen tripartism were being reduced in order to finance the UN reform, with uncertain benefits for the tripartite constituents.

846. The amount originally proposed for policy, field operations and partnerships, and employers' and workers' activities must be safeguarded. Therefore, he proposed the inclusion of a new subparagraph (b) to the draft decision, to read:

- (b) recommended to the Conference that a provisional programme level of US\$501,699,846 estimated at the 2018–19 budget rate of exchange of CHF0.97 to the dollar be earmarked for “policy, field operations and partnerships, and employers’ and workers’ activities” under part I. Ordinary Budget;

847. In addition, in order to be consistent with the Governing Body’s decision on the preliminary overview of the programme and budget at its 334th Session in October–November 2018, he proposed amendment to subparagraph (b) of the proposed resolution contained in the draft decision, so that it would read:

- (b) requests the Director-General to present for examination and adoption by the Governing Body at its 337th Session (October–November 2019) complementary information pertaining to the results framework comprising outcomes, indicators, baselines and targets for the biennium, taking into account the relevant discussions of the 108th Session (June 2019) of the International Labour Conference, and including a particular focus on strengthening the institutional capacities of tripartite constituents as requested in the GB/334/PFA/1 decision (October–November 2018).

848. *The Worker spokesperson* said that that her group had taken note of the budget adjustments. She indicated that the proposal to finance the ILO’s contribution to the UN resident coordinator system by reducing funding for policy outcomes was regrettable. She asked whether that issue was likely to reoccur in the future. She expressed concern that the resident coordinators were not used to working with the social partners and were not familiar with the normative mandate of the ILO.

849. With respect to the Employers’ proposal to include a new subparagraph (b) in the draft decision, she said that, in order to maintain the level of funding for policy outcomes, cuts would have to be made in other areas of the programme and budget, and she was not sure that consensus could be reached on that at the current session. With respect to the proposal to amend subparagraph (b) of the proposed resolution, she said that the text should remain as originally drafted, as priorities would have to be set after the Centenary Session. However, she supported the intent of the Employers’ proposed amendment, which could be reflected in a new subparagraph (b) in the draft decision but outside the proposed resolution, which would read:

- (b) requested the Director-General to take into account its guidance on developing the Programme and Budget proposals for 2020–21, with a particular focus on strengthening the institutional capacities of ILO tripartite constituents;

850. *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that the proposed budget cuts seemed to be no more than a temporary reprieve and risked escalating costs when the deferred items were reinstated in the future. He reiterated his request for the Office to provide a costed buildings maintenance plan, along with a demonstration of budget availability for future maintenance. He also requested clarification on the potential impact on the status of ILO-owned properties of the UN reform initiative relating to common premises. The Building and Accommodation Fund should be funded at the recommended level and the budget line item retained at the level initially proposed to avoid rendering ILO-owned properties uninhabitable due to inadequate financing.

851. It would be irresponsible to ignore the security risk assessment that had been done. Therefore, he proposed reinstating the US\$10 million in the budget for 2020–21 to cover the first phase of the security programme. The remainder could be considered for inclusion in the 2022–23 biennium, or spread out over subsequent biennia.

- 852.** Given the Office's assurances that doing so would not result in a collapse of the current systems, the Africa group supported the proposed deferral of the budget items for the IT Strategy relating to electronic records management, mobile device management and the replacement of the intranet.
- 853.** There had already been a Governing Body decision on the issue of the funding for the UN resident coordinator system, at its 334th Session, which should support the amount proposed. However, the funds earmarked for that purpose should not prejudice in any way the budget line item for policy, field operations and partnerships, employers' and workers' activities.
- 854.** Subject to the points raised, the Africa group would support the draft decision. However, it would also be willing to accept the new subparagraph (b) of the draft decision proposed by the Employers' group, as sub-amended to read:
- (b) recommended that out of the estimated provisional programme level budget, an amount of US\$501,699,846 under Part I be an exclusive budget for policy, field operations and partnerships, and employers' and workers' activities;
- 855.** He also agreed with the amendment proposed by the Employers' group to subparagraph (b) of the proposed resolution, although the sentence should end after "of the International Labour Conference", because the proposed addition to the sentence was reflected in his previous sub-amendment.
- 856.** *Speaking on behalf of IMEC, GRULAC, ASPAG and the Eastern European group*, a Government representative of Canada recalled that the Governing Body had approved a modified process for preparing the Programme and Budget for 2020–21 so that the proposals could take into account the outcome of the discussion on the future of work at the Centenary Session of the Conference. Under that process, it had been agreed that, at its 335th Session, the Governing Body would consider the strategic budget of expenditure by appropriation line, divided into parts and items as mandated by the Financial Regulations. The amendment proposed by the Employers' group was not consistent with that decision. Furthermore, if adopted, it would cut across the agreed process for the development of the results framework for 2020–21 and would undermine efforts for the ILO to take a results-based approach to its work.
- 857.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. His group favoured a zero nominal growth budget. However, further information would be welcomed before establishing a definitive position. The Office should clarify the precise make-up of the amount of the nominal increase. More information would also be appreciated about the maintenance element, including how much could be saved as a result of the building renovation, and whether those savings would contribute to the Building and Accommodation Fund. With regard to security, he asked whether the new proposal replaced the whole US\$25 million plan or just the first part. He also asked for clarification on what issues might be involved in the potential renegotiation with the host country, and whether any consideration had been given to the group's proposal that the security plan could be integrated into phase 2 of the renovation project, thereby benefiting from economies of scale. It was important to support the Office's efforts to manage flexible voluntary contributions, and more information would also be appreciated on how those resources were being managed. He noted the proposed amendment by the Employers' group, but said that it was important for the Office to have the flexibility to mobilize resources and to be in a position to make savings in order for the Organization to achieve its objectives. Recalling the agreement to wait until after the Centenary Session of the Conference before taking certain decisions, he said that his group preferred the original version of the draft decision.

- 858.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom asked why it was not possible to fund more of the increased cost-sharing arrangement for the UN resident coordinator system from the efficiency savings that had been identified, which had been earmarked to be redeployed to front-line technical services. With the economies from the management budget line, such a solution could significantly reduce or completely cover the required amount, without recourse to funding earmarked for policy outcomes. Security was of critical importance so it was a concern that, under the revised proposal, the Organization would not be able to fully meet UNDSS standards. She asked for clarification on whether allocating a further US\$1.35 million would provide the full amount needed for the construction of a security perimeter. If so, the Director-General should review that element of the proposed budget. IMEC was concerned by the short-sighted reduction of the annual provision for the future refurbishment and renovation of ILO-owned buildings. Selling land to finance renovation would not be an option available again in the future. IMEC welcomed the proposal to apply equitable cost recovery to include extrabudgetary-funded activities to meet some of the Organization's investment costs.
- 859.** *Speaking on behalf of Australia, Canada, France, Germany, the Netherlands and Norway*, a Government representative of Australia said that, considering the financial constraints faced by governments, the ILO should strive to achieve a zero growth budget. The proposed cuts to security plans in search of savings were a concern, as upgrading headquarters security to meet UNDSS requirements was a priority. The redeployment of funds within the budget during the biennium was permissible under ILO regulations, and the Office should regularly review its priorities in order to maintain the effective operation of the Organization. She therefore asked the Office to continue to find efficiency savings and redeploy existing funding to the areas identified as requiring increased funding. Phase 2 of the headquarters renovation project might offer some possibilities. She also called on member States to pay their dues in full and on time, and asked the Office to reach out proactively to States in arrears. The Centenary year was crucial in guiding the ILO's prospective activities and ensuring its integrity into the next century. Therefore, the group could in principle support the revised and constrained approach being put forward to the Conference.
- 860.** *A Government representative of Switzerland* said that, in the light of the new proposals concerning the security perimeter, her Government's offer of assistance – as the host country – would have to be reviewed. The ILO was responsible for financing all the measures that had been identified, as they were all on the property of the Organization. Switzerland would be prepared to coordinate with regard to the creation of a “two ring” approach involving securing the full perimeter around the building. The reduction to 0.75 per cent of the annual provision for the renovation of ILO-owned buildings was a short-term solution that would not eliminate the cost of renovations. The annual provision should be made from the regular budget.
- 861.** *A Government representative of the United States* said that trying to meet the many mandates of the Organization on a fixed budget was clearly a challenge, and that lower-priority activities should be reduced in order to fund higher-priority mandates. Although her Government strongly supported the mission, mandate and work of the ILO, it generally supported zero nominal growth across the UN system; therefore, it did not support a budgetary increase and could not support the draft decision.
- 862.** *A Government representative of Brazil* said that in view of the serious efforts being made by so many member States towards fiscal responsibility and long-term fiscal sustainability, it seemed unfair to expect them to increase the budget as had been proposed. Brazil favoured zero nominal growth in budget proposals, and was not in a position to assume additional financial commitments to international organizations, including the ILO. He could not support a decision on any increase in the budget and reserved the right to consider the issue

in due course and to make a final assessment on the budget proposals presented at the 108th Session (2019) of the International Labour Conference.

- 863.** *A Government representative of China* said his Government noted that the Office had reduced its proposal for extraordinary investments. China's assessed contribution was due to increase by 50 per cent and, while his Government would assume its responsibility to support the work of the UN and its specialized agencies, including the ILO, the increase would place pressure on its taxpayers and financial authorities. He therefore hoped that the ILO would continue its internal management reform, improve efficiency, reduce costs, explore new resources and seek innovative ways to address infrastructure investment. His Government proposed maintaining the principle of zero real growth for the 2020–21 budget, although it would not object to any majority agreement by the Governing Body.
- 864.** *A Government representative of Japan* said that Government members were accountable to their taxpayers for ILO budget increases and must be consulted on proposed large increases well in advance of the publication of the programme and budget proposals on the website. Her Government expected the Office to make further efficiency savings.
- 865.** *The Director-General* said that the level of concern expressed at the reductions to the institutional investments originally proposed was striking. He agreed with those concerns and had been obliged to make the reductions because the Government representatives, in particular, had indicated that they could not agree to the original levels, given fiscal constraints. The revised investments represented the absolute minimum required to sustain the vital functions of the Organization. The Organization and the Office would continue to make efficiency savings and to redeploy those funds to meet some of the needs that had become evident over the course of the discussion. Some members had argued that he had gone too far in making reductions and others that he should have made further cuts, but he believed his revised proposed budget to be an accurate reflection of the will of the Governing Body.
- 866.** Turning to the internal distribution of resources among the different budget lines, he noted that the amendment proposed by the Employers' group was a departure from the agreed procedure. The amendment aimed to protect the planned operational budget for policy, field operations, partnerships and employers' and workers' activities. However, that implied reductions in support services, which encompassed information and technology management and buildings and security, funding for which the Employers' group also wished to protect. Protecting both lines was not mathematically possible. Nonetheless, the discussion could be reopened at the Governing Body's session in October–November 2019.
- 867.** The Governing Body's decision in November 2018 on the UN resident coordinator system applied to 2019 only. However, there had been no material change that would lead the Governing Body to take a different decision in future, and it would be required to invest in the system as proposed for the sake of coherence. Given the Governments' clear indication that the investment could not come from increased contributions, it must be included in the regular budget. The Office had endeavoured to balance the different budget lines. It was always difficult to decrease funding for substantive policy activities, but no further cuts to management and support functions were currently possible. He urged the Governing Body to revert to the original draft decision contained in GB.335/PFA/1/1, which provided a balanced, prudent and reasonable response to both the Governing Body's views and the needs of the Organization.
- 868.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that the cost-increase figures cited by the representative of GRULAC were correct; the revised increase in real terms was 1.57 per cent and the provision for cost increases was slightly lower than in the original proposals at 0.97 per cent. The cost increases followed two biennia

that had seen nominal budget decreases, which had been indirectly returned to member States through lower nominal budgets. In a zero nominal growth situation, the Organization would be required to absorb any cost increases which would result in further real cuts to budgets in policy, regions, management and support.

- 869.** The Organization owned a number of properties around the world, in various states of repair. Major renovations were being undertaken at the property in Brasilia, using the Building and Accommodation Fund, while others were awaiting investment. The Facilities Management Branch was reviewing all the properties and would provide an overview of the major work required and an indicative schedule. The Governing Body could decide where to redeploy the savings in maintenance costs resulting from the renovations at headquarters in the context of future budget proposals made by the Director-General. There had already been a series of reductions to the budget of the Internal Services and Administration Department, which dealt with building maintenance, that had come about partly through efficiency gains and partly in anticipation of the gains from the renovations. Those savings had been redeployed principally in policy areas, a strategy that would continue.
- 870.** *A representative of the Director-General* (Deputy Director-General for Management and Reform), speaking about the ILO headquarters' security issue, thanked the representative of the Swiss Government for confirming that the host State's responsibility ended at the border of the ILO property. The Swiss Government had generously offered to fund the perimeter fence, provided that it was part of the package of security improvements needed to comply with UNDSS standards. The fence alone would cost US\$4 million, with the full package of security improvements estimated at US\$25 million, including US\$7.6 million for a reception centre external to the main building and US\$3.4 million for connections between the two. It had therefore been proposed to use the US\$3.5 million mentioned in the Director-General's revised budget to ensure the maximum level of security possible in the absence of an outer ring, for example by improving security at the access points. There was no certainty that funding would become available for an outer ring at a later stage. The possibility of integrating security work with phase 2 of the renovations was being examined and, while it would provide logistical benefits, it was unlikely to result in major savings. The savings resulting from phase 1 of the renovations would be redeployed as a priority towards urgent work in the ILO's conference facilities, such as emergency exits.
- 871.** *The Employer spokesperson* said that his group's amendment did not involve a departure from the agreed process; rather, it aimed to secure funding for policy areas and operations. It was difficult to understand how a budget increase could result in cuts to front-line services and policy areas, which were the core of the ILO's activities. On several occasions, the Governing Body had been negatively affected by decisions made in fora in which it had no voice, thus complicating its own decision-making process and negating the benefits of tripartism. Noting that Government members had not been consulted before the programme and budget proposals had been published, he said that standard practice in budget-setting outside the ILO was to consult those affected by budget changes in advance; perhaps the Office could adopt that practice. More effective communication would save time in the decision-making process.
- 872.** *A Government representative of Canada* recalled that she had read out a statement earlier on behalf of a significant majority of the Government group to indicate that they could not support the Employers' amendments.
- 873.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom asked again why the US\$2.9 million of efficiency savings mentioned in paragraph 17 of the document had not been redeployed to fund the UN resident coordinator system. Together with the US\$500,000 taken from management services, that amount could fund the system almost entirely, removing the need to cut funding for front-line services.

- 874.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that, of the US\$2.9 million, approximately US\$1 million came from back-office support services and would be redeployed to the UN resident coordinator system under the Director-General's proposals. The remainder comprised internal redeployments within policy departments that had been reinvested within the budget proposals to enhance policy delivery.
- 875.** *The Worker spokesperson* said that there seemed to be no major objections to the revised budget proposals, even if not all governments supported them. The small budget increase would be used for extraordinary institutional investments. It was unfortunate that it would not provide any benefit for the policy outcomes during the next biennium, which was of great importance given the Centenary. The issue of the Governing Body's lack of voice in other UN fora whose decisions could affect the ILO must be resolved. Her group remained concerned that the question of the UN resident coordinator system would re-emerge repeatedly. Efforts to improve security, an important aspect of the renovation work, should go beyond erecting a security perimeter; other safety and security issues must also be addressed.
- 876.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini reiterated his group's support for the amendment proposed by the Employers. It was vital that the US\$501,699,846 earmarked for policy, field operations and partnerships, and employers' and workers' activities was not redeployed.
- 877.** *Speaking on behalf of IMEC, GRULAC, ASPAG and the Eastern European group*, a Government representative of Canada reiterated their strong disapproval for the amendments, which they, as a significant majority of Governments, could not accept. The issue would have to be discussed at the Finance Committee of the International Labour Conference.
- 878.** *The Worker spokesperson* sought clarification on the intention of the Employers' proposed amendment to subparagraph (b) of the draft decision. It was difficult for the Workers to comment because the implications were not clear. As to the proposed amendment to subparagraph (b) of the draft resolution, the Workers had some sympathy with the proposal; however, the text should be reflected in the decision itself, leaving the proposed resolution unchanged.
- 879.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that his group was withdrawing its support for the Employers' amendment with a view to achieving consensus. The priority of safeguarding the budget line for policy, field operations and partnerships, and employers' and workers' activities should, however, be maintained.
- 880.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. There did not seem to be sufficient consensus for the Governing Body to take a final decision. It was important to be consistent with the special process for preparing the budget that had been agreed at the 333rd Session (June 2018). In the interest of consensus, his group could support the revised draft decision proposed by the Director-General. GRULAC was prepared to compromise with regard to the Employers' amendment to subparagraph (b) of the proposed resolution. It could not, however, accept the Employers' amendment to subparagraph (b) of the draft decision. His group would express its final position on the programme and budget at the International Labour Conference in June 2019.
- 881.** *The Chairperson* said that it seemed that the Governing Body was in a position to adopt the draft decision proposed by the Director-General, without the amendment proposed by the Employers. She clarified that the draft decision was simply a recommendation from the

Governing Body to the International Labour Conference and did not constitute a final decision on the programme and budget.

- 882.** *The Employer spokesperson* said that, in order to close the discussion, the Employers would accept the original draft decision at the current session. However, if the group's concerns were not taken into consideration and the budget for the policy outcomes was cut, the Employers would oppose the programme and budget proposals at the 108th Session (June 2019) of the International Labour Conference and the 337th Session of the Governing Body (October–November 2019).
- 883.** *The Worker spokesperson* said that the Workers had sympathy for the Employers' statements regarding reductions in policy outcomes and would return to the discussion at the next sessions of the Governing Body. The Workers' group would reluctantly accept the draft decision.

Decision

884. The Governing Body:

- (a) *recommended to the International Labour Conference at its 108th Session (June 2019) a provisional programme level of US\$804,103,709 estimated at the 2018–19 budget rate of exchange of CHF0.97 to the US dollar, the final exchange rate and the corresponding US dollar level of the budget and Swiss franc assessment to be determined by the Conference; and*
- (b) *proposed to the Conference at the same session a resolution for the adoption of the Programme and Budget for the 77th financial period (2020–21) and for the allocation of expenses among member States in that period in the following terms:*

The General Conference of the International Labour Organization,

- (a) in virtue of the Financial Regulations, adopts for the 77th financial period, ending 31 December 2021, the budget of expenditure for the International Labour Organization amounting to US\$..... and the budget of income amounting to US\$..... which, at the budget rate of exchange of CHF..... to the US dollar, amounts to CHF....., and resolves that the budget of income, denominated in Swiss francs, shall be allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives; and
- (b) requests the Director-General to present for examination and adoption by the Governing Body at its 337th Session (October–November 2019) complementary information pertaining to the results framework comprising outcomes, indicators, baselines and targets for the biennium, reflecting the relevant outcomes of the 108th Session (June 2019) of the International Labour Conference.

(GB.335/PFA/1/1, paragraph 7)

Second item on the agenda

Delegation of authority under article 18 of the Standing Orders of the International Labour Conference ([GB.335/PFA/2](#))

885. *The Worker spokesperson and the Employer spokesperson* said that their groups supported the draft decision as set out in paragraph 3 of document GB.335/PFA/2.

Decision

886. *The Governing Body delegated to its Officers, for the period of the 108th Session (June 2019) 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.335/PFA/2, paragraph 3)

Third item on the agenda

Update on the headquarters building renovation project ([GB.335/PFA/3](#) and [GB.335/PFA/3\(Add.\)](#))

887. *The Employer spokesperson*, welcoming the progress made in the headquarters building renovation project, said that ensuring continuity between phases 1 and 2 of the project was vital for both financial, and safety and health reasons. The sale of the vacant land adjacent to the ILO building had been discussed previously and he supported the proposal to commence a tendering process to identify a development partner to collaborate with the Office and assist in generating the necessary funds to start the first part of phase 2 of the project, thus ensuring continuity. The sale of the land was a delicate issue and it was important that the final decision be taken by the Governing Body.

888. The Employers supported the proposed security plan for the ILO headquarters, as it met the UNDSS minimum security requirements. He welcomed the proposal to implement the plan over two biennia. However, given the high costs involved, he would like to know more about the tendering process and how it would be ensured that the chosen bid was as competitive as possible.

889. *The Worker spokesperson* said that, while she was aware that a security perimeter had been previously discussed, she was not comfortable with the discussion of fences and walls, which had come as a surprise to her group. She wished to emphasize the importance of the ILO remaining an open forum. Her group was concerned that restricting access to the Office could have negative effects in that regard. She wondered whether other, less costly security measures might be considered.

890. *Speaking on behalf of the Africa group*, a Government representative of Cameroon expressed appreciation for the manner in which the phase 1 renovation works had been undertaken, for the progress made to date, and for the way in which security arrangements had been

maintained. However, although the Director-General had been requested to pursue negotiations on the possible sale of plot 4057, it was not clear how phase 2 would be funded and the implications of a lack of continuity between the two phases with respect to operational, environmental and cost considerations were a matter of concern.

- 891.** Efforts made to implement the recommendations of the UNDSS were to be commended and the estimated costs of securing the perimeter were noted. Nevertheless, at a time when funds were being sought to support phase 2 of the headquarters building renovation project, focusing on the perimeter might lead to a dispersal of resources. Before giving a definitive view, the Africa group wished to know the costs of perimeter security and whether the focus on security measures was urgent.
- 892.** *Speaking on behalf of GRULAC*, a Government representative of Brazil welcomed the information provided in the report, particularly on the security needs of headquarters. The convenience of carrying out the security plan in two phases was acknowledged; however, consideration should be given to integrating the security plan into phase 2 of the building renovation since it could lead to more efficient use of resources.
- 893.** *Speaking on behalf of IMEC*, a Government representative of the United States said that ensuring the security of the ILO facilities was of the utmost priority, although concerns remained about the design and cost of the perimeter fence. Earlier engagement would have been helpful in adequately reviewing the issues and it was unclear whether the plans presented were commensurate with the UNDSS recommendation to raise the security risk level in Switzerland from 1 (minimal) to 2 (low). Less intrusive security measures had been employed at other UN facilities in order to maintain the balance between security, cost and ease of use.
- 894.** The prioritization of the measures listed in document GB/335/PFA/3 under paragraph 30(a) to (d) to be implemented in phase 1 were appreciated, but it would be helpful to learn whether the Office had conducted cost and service comparisons with other UN facilities in Geneva and whether it had considered joining other Geneva-based UN agencies in using the common UN badging system. The latter would be particularly appropriate if the ILO was to share office space with another UN organization. The proposed expenditure on a central locking system activated by badges merited reconsideration in a time of austerity. It was noted that guards were already stationed at building entry points. IMEC would prefer the Office to embrace the innovative spirit that was at the heart of the UN reform plans before it turned to costly and bespoke solutions.
- 895.** IMEC could not endorse the Office's security plan in its current form and requested that a scaled-back and fully audited plan be produced to maintain safety following the UNDSS guidelines.
- 896.** *A Government representative of Switzerland* congratulated the ILO on its management of phase 1 and confirmed his country's support for the project, which had been carried out on time and on budget. A second phase of work, which had been decided by member States, should begin as soon as possible in order to avoid additional costs. The security plan prepared for the ILO demonstrated that further measures were necessary to improve perimeter security. Switzerland had confirmed its intention to provide financial support for perimeter security provided that all of the measures in the security plan were implemented. As the Host State, it would also support the ILO in its interactions with the Swiss authorities. He encouraged the Governing Body to accept a security plan that was commensurate with the guidelines of the UNDSS.
- 897.** *A representative of the Director-General* (Deputy Director-General for Management and Reform), responding to questions, said that a list of alternatives to the full security plan had

been considered, but that each one offered a decreasing level of security. Advice received on compliance with security had encompassed the threat from people entering the building and from vehicles entering the property, while blast assessments had shown the potentially significant damage to the building and its occupants. A perimeter fence had therefore been deemed the most secure way to control the entrance of people and vehicles. Other security measures, such as barriers of entry to the car parks and increased staffing of the doors had been considered, but the final project of the perimeter fence, while expensive, had been chosen following reports from consultants and detailed discussions with the local authorities and taking into account UN security requirements. There was a high level of security at the Palais des Nations and some other UN agencies, while other agencies were considering relocation to more secure premises or upgrading their own security. Some speakers had indicated their wish to examine the question of security in the light of the budget discussions and, given the importance of the issue, he requested that consideration should be given to that approach.

- 898.** *The Director-General* proposed to return to the specifics of the security plan during the discussions on the programme and budget, at which time the Office would provide a response that took into account the comments made to date.
- 899.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that, in the light of the discussion on the security perimeter, the draft decision contained in paragraph 33 of document GB.335/PFA/3 was redundant. The Office therefore proposed a revised draft decision, to read: “The Governing Body requested the Director-General: (a) to continue to engage with the Government of the host country regarding a potential financial contribution and coordination of the implementation of a revised security plan; and (b) to report to the Governing Body at its 340th Session (October–November 2020) on the implementation of the enhanced security measures”.
- 900.** *The Worker spokesperson* enquired as to what was meant by “innovative contractual solutions” in relation to the second option presented in document GB.335/PFA/3(Add.). She asked whether that option of competitively seeking a development partner prior to the commencement of the official urban planning process would allow the sale of plot 4057 to be completed in less than 18 months; whether the Office had an estimate of the savings that could be made, given that that option would allow for some level of project continuity; and whether the Office was confident that, upon completion of the process, the sale price would be satisfactory and higher than for the first option. The Workers’ group would reserve comment on the draft decision until the Office had responded and the Employers and Governments had commented.
- 901.** In relation to Part 1 of document GB.335/PFA/3, her group would like to know when the renovation of the lower floors of the building was expected to begin. She urged the Office to closely monitor and mitigate the continued presence of asbestos in the lower floors. It was regrettable that energy efficiency and conversion to a fully renewable energy source would have to be postponed. Her group was concerned about the increased costs and safety risks related to a lack of continuity between the two phases of the building renovation project.
- 902.** *The Employer spokesperson* said that continuity between the two phases of the building renovation project remained his group’s priority, not only for financial reasons but also for the safety of staff and all meeting participants. The Employers therefore fully supported the draft decision in paragraph 8 of document GB.335/PFA/3(Add.), as it would allow the Office to share the risk with the developer and free up resources to begin the first part of phase 2 of the building renovation project, thus bridging the two phases. Negotiations with the Geneva local authorities on the urban development plan for the plot process would be crucial, as they would determine the final price and income generated.

903. *Speaking on behalf of the Africa group*, a Government representative of Cameroon said that her group had always supported leasing rather than selling plot 4057. In the light of the absence of other sources of funding for the phase 2 of the building renovation project, however, the group supported the second of the two options proposed by the Office in the interests of continuity and cost containment. The Africa group supported the draft decision in paragraph 8 of the addendum.
904. *Speaking on behalf of IMEC*, a Government representative of the United States applauded the Office for achieving business continuity and for the fact that the project was due to be completed four months ahead of schedule. The member States in his group were not in a position to provide additional funds for the building renovation project. He inquired about the status of a request from the Governing Body to scale back phase 2 of the renovations. Reiterating his group's belief that ensuring the security of the ILO facilities was a priority, he asked whether cost savings might be made by including the construction of the outer security perimeter in phase 2 of the project. The time taken for the Office to develop concrete plans for an economical transition between phases 1 and 2 of the building renovation project was regrettable. IMEC supported the second option to competitively seek a development partner prior to the commencement of the official urban planning process. He appreciated the challenges of preparing the plot for development in terms of time and funding for the implementation of phase 2. His group remained in favour of the Office applying the cost savings made in phase 1 to the remainder of the building renovation project.
905. *A Government representative of Switzerland* said that her Government aligned itself with the statement made by IMEC. The second phase of the project should ideally commence as soon as possible in order to avoid additional costs. Her Government was in favour of a solution that would provide appropriate funding for the building renovation project and ensure the long-term sustainability of the headquarters building. The Swiss Government was committed to facilitating constructive exchanges with the competent authorities to guide the Office in its land development project. The steps and time frames related to the urban planning process in Geneva had been clarified, thus allowing the Office to proceed taking into account the constraints and relevant regulatory framework. The final sale value of the land would depend on the competition between investors as well as the constraints in the sector. She welcomed the fact that a number of potential purchasers had come forward. While the Swiss Government had not been involved in developing the financial arrangements proposed by the Office, she noted that there were several advantages which would raise funds without delay to facilitate continuity between the two phases of the building renovation project.
906. *A representative of the Director-General* (Deputy Director-General, Management and Reform), responding to the Workers' question about the innovative approach to partnerships, said that the Office had been approached by a large number of developers and investors outlining a variety of options for plot 4057, from full sale to partial sale with income generation from the remainder of the plot. There was a risk to attempting to agree on a price before permits were approved and other factors were known, but the Office would use the proposed six-month period to consider which options would achieve the required sale price at the lowest risk. Informal discussions with developers had indicated ways of mitigating the risks to both sides, such as identifying a preferred developer from the start and working with them throughout the planning and permit process. The Swiss authorities had provided helpful information on the steps to follow, which, alongside working with a developer from the early stages, should help to maximize the value of the land.
907. The savings identified in the second option outlined in the addendum really referred to an avoidance of increased costs. Asbestos and other safety issues were addressed on an ongoing basis and did not pose any immediate threat. The preferred option for replacing the windows

in the Governing Body room was summer 2019, although it was difficult to schedule works due to heavy usage of the room. The works would be completed in 2020 at the latest.

- 908.** As the Employers had noted, option two was intended to provide a bridge between phases 1 and 2 of the project, even if the timeline was longer than anticipated. As to the Africa group's preference for letting, rather than selling the plot, while accepting that a sale could be necessary, that was one of the options being considered; some investors were indicating that there were ways of developing the land with a view to potential income generation.
- 909.** He welcomed the acknowledgement by IMEC of the building project's success so far. The proposal for phase 2, as outlined in the appendix to the document, had been developed within the budget parameters over the past several years; some additional elements contemplated, such as new entrances, had not been pursued. Once funding was approved, the proposal would undergo a value engineering review process to determine the costs and the priorities. While it could be sensible to integrate the security works in phase 2 of the project, the issue of timing would have to be taken into account, as security measures should be implemented as soon as possible. With respect to the time taken to develop concrete financing plans for phase 2 of the development, he recalled that initial plans had been presented to the Governing Body in November 2007 and then a number of times in the intervening sessions, but none of the proposals had been accepted. The Office would now undertake a market assessment and seek the Governing Body's approval, ideally at its 337th Session (October–November 2019).

Decisions

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

- (a) to continue to engage with the Government of the host country regarding a potential financial contribution and coordination of the implementation of a revised security plan; and*
- (b) to report to the Governing Body at its 340th Session (October–November 2020) on the implementation of the enhanced security measures.*

(GB.335/PFA/3, paragraph 33, as amended by the Governing Body)

911. *The Governing Body:*

- (a) approved in principle the sale of plot 4057 on terms to be negotiated by the Director-General;*
- (b) authorized the Director-General to commence a tendering process to identify a potential development partner to collaborate with the Office through the planning and approval process; and*
- (c) requested the Director-General to seek final approval from the Governing Body on the general terms of any sale arising from the tendering process.*

(GB.335/PFA/3(Add.), paragraph 8)

Fourth item on the agenda

Report of the Government members of the Governing Body for allocation of expenses ([GB.335/PFA/4](#))

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

Decision

913. *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 propose to the International Labour Conference the adoption of the draft scale of assessments for the years 2020–21 as set out in column 3 of the appendix to GB.335/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.335/PFA/4, paragraph 6. The scale of assessments is also included in Appendix V to the present document.)

Fifth item on the agenda

Other financial questions

914. There was no document under this agenda item.

Audit and Oversight Segment

Sixth item on the agenda

Report of the Independent Oversight Advisory Committee ([GB.335/PFA/6](#))

915. *The Chairperson of the Independent Oversight Advisory Committee (IOAC), noting that there had been a change in the composition of the IOAC during the reporting period, said that the report presented an overview of the work achieved by both the present and the former members of the Committee. The Committee had engaged with ILO constituents, staff and senior Office officials throughout the year and had worked with representatives of the External Auditor. It appreciated the support that had been provided by the Office to assist it in discharging its duties.*

916. The recommendations made in the report cut across various areas of the ILO's work; some issues had been raised before, while others were being addressed for the first time. The Committee would welcome feedback from the Governing Body with respect to its work plan for 2019.

- 917.** *The Worker spokesperson* said that her group took note of the decision by the IOAC to update some of its operating principles, including the decision to rotate the chairpersonship annually and to nominate a vice-chairperson in preparation for the rotation. It also took note of the Committee's satisfaction with regard to the Office's financial reporting, the audited financial statements, the disclosure practices and the external auditors' reports.
- 918.** With regard to recommendation 1, the Workers took note of the need to ensure the future inclusion of project locations in the ILO centralized IT framework and the need to identify a sustainable solution with regard to the financial implications in the project budget. With respect to recommendation 2, which called on the Office of Internal Audit and Oversight (IAO) to address the backlog in the investigation of allegations, the Workers drew attention to the fact that the Programme and Budget proposals for 2020–21 envisaged the strengthening of the IAO using resources obtained from efficiency gains. The Office should analyse the root causes of the increase in the number of investigations required in order to mitigate recurring risks.
- 919.** A decision on the organizational model to manage the Staff Health Insurance Fund (SHIF) should be adopted swiftly, as called for in recommendation 3. Regarding after-service health insurance (ASHI), the Governing Body had indicated in previous discussions that the preferred funding option continued to be a pay-as-you-go approach.
- 920.** Turning to past recommendations, the Workers noted that recommendation 4 (2018) on human resources skills development had not been fully implemented. The Human Resources Development Department (HRD) should consult the Staff Union on matters relating to workforce planning and skills development and managers should support staff in developing new skills and adjusting to change.
- 921.** *The Employer spokesperson* welcomed the positive assessment of financial reporting and of the financial statements, and the continued follow-up to past recommendations by the IOAC, particularly recommendation 4 (2018). The Employers shared the view of the IOAC that the Office's response to that recommendation was too general. The Performance Management Framework did not offer appropriate incentives for staff development, as development opportunities were presented as a requirement, rather than as an opportunity. Both managers and HRD played an essential role in encouraging staff and creating a conducive environment for training and skills development, which must correspond to staff career objectives as well as to the Office's mandate and activities. Demonstrating leadership and taking a proactive approach was essential if the Office was to be recognized as a global reference for training and skills development.
- 922.** The Employers took note of the Committee's recommendations. Regarding recommendation 2, it was essential to address the backlog in the investigation of allegations. Even if the increase in allegations received was due to awareness-raising among staff, the Office should strengthen efforts to prevent abuses through expanded ethics training and improved accountability frameworks. In the present political climate, the ILO must take all necessary measures to mitigate any risks to the Organization.
- 923.** The IT Strategy required sufficient resources and the Office and its staff must be provided with appropriate technology to perform its work. The absence of the latest software and technologies and lack of access to the Office's IT framework indicated that the ILO was not keeping up with the pace of change.
- 924.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania welcomed the decision to allow the annual rotation of the Committee's chairperson but regretted the absence of any African members of the Committee, a situation that should be rectified in future appointments. His group was pleased that the 2017 financial statements

had faithfully reflected the ILO's financial situation and complied with International Public Sector Accounting Standards (IPSAS). A reasonable and swift solution should be found to the issue of unfunded ASHI liability. He noted with satisfaction the 100 per cent compliance rate of the updated risk registers; applauded the Office for the achievements resulting from the transfer of resources from administrative activities to the ILO's core work areas in the context of the Business Process Review; and supported the IOAC's advice to the Governing Body to evaluate the Office's investments in IT to avoid falling behind in that priority area.

- 925.** He supported all three recommendations, drawing particular attention to recommendation 2 in the light of his group's concerns at the growing backlog of investigation cases to be addressed. He took note of the updates to previous recommendations, in particular recommendation 4 (2018) and the Office's response to that recommendation in relation to lifelong learning for staff. The processes associated with such learning should be included in employee performance appraisals. Committee members should approach government representatives so that the latter could learn more about the Committee's work.
- 926.** *Speaking on behalf of ASPAG*, a Government representative of Saudi Arabia said that the IOAC had demonstrated its added value through its recommendations to the Office. He noted with satisfaction that the IOAC had found the Office's financial reporting to be robust, but was concerned by the continuing impact of the unfunded ASHI liability, in particular on the ILO's net assets. He recalled that the Governing Body at a previous session had indicated that its preference was to continue funding ASHI on a pay-as-you-go basis and encouraged the Office to continue to explore ways to reduce costs.
- 927.** His group supported all three recommendations. Actions carried out in the scope of recommendation 1 should provide real value and be implemented in line with the IT Strategy. A solution for the financial implications should be included in the project budget. With regard to recommendation 2, the ongoing backlog in the investigation of allegations should be tackled without delay, its root causes analysed and more effective measures implemented to address the situation.
- 928.** He expressed his appreciation of the follow-up to the IOAC's recommendations that had been presented at the 332nd Session (March 2018) of the Governing Body. It would be useful to continue to receive information on progress, in particular on recommendations not yet fulfilled and recommendations 4, 5 and 8 of 2017. Those recommendations should be considered in the Committee's work plan for 2019, which should also address the lack of geographic diversity among ILO staff.
- 929.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group supported the IOAC's recommendations, in particular recommendation 2 encouraging the IAO to address the backlog in the investigation of allegations. She expressed satisfaction that staff were now more comfortable reporting wrongdoing thanks to IAO anti-fraud and misconduct awareness-raising activities. Nonetheless, allegations should be investigated in a timely manner to ensure that staff continued to have faith in the system. It would also be important to examine the root causes of the increased number of reported allegations to avoid any recurring risks; IOAC should therefore provide guidance on steps to take to that end. She was encouraged by the Office's proposal to allocate more resources to the IAO to alleviate the backlog in investigations and asked for information on how those resources would be used. Her group was also pleased at the Office's efforts to set the tone of proceedings by prioritizing the resolution of investigations into misconduct.
- 930.** She encouraged the Office to assess its implementation timeline for external auditor recommendations and to hold managers accountable for delays. Her group was pleased that the Office had achieved an unmodified audit opinion of the 2017 financial statements and that the updated risk registers had achieved a 100 per cent compliance rate; the Office should

now strengthen its risk management function, in particular in the area of business continuity management. As the IOAC's work plan for 2019 focused on compliance and probity, the IOAC should meet with the Ethics Officer multiple times during the year.

- 931.** Using overly general wording in IOAC recommendations hampered the Office's ability to provide a meaningful response; such recommendations should therefore be clearly worded and robust in future. She looked forward to receiving updates on the Office's progress in its implementation the recommendations contained in the Joint Inspection Unit's review of whistle-blower policies and practices in UN system organizations. The IOAC should give consideration to the Administrative Tribunal of the ILO to gain a better understanding the Tribunal's financial standing and any cost implications of the withdrawal of any agencies under its jurisdiction.
- 932.** *A Government representative of China* noted the IOAC's general satisfaction with the Office's work. However, the Office needed to address the growing backlog in the investigation of allegations and no decisions had yet been made on the SHIF. Improvements were needed in respect of the training and redeployment of staff. His Government appreciated the work of the IOAC and the incorporation of oversight into its mandate. The IOAC should pay special attention to the Human Resources Strategy 2018–21 and should in particular address the geographical diversity of ILO staff.
- 933.** *A Government representative of the Russian Federation* noted that the new model of managing the SHIF under recommendation 3 would help to resolve key issues, including that of fraudulent claims, and the secretariat should develop appropriate proposals. Recommendation 1 was also essential in view of the IT Strategy, growing IT needs and the importance of using resources effectively. Furthermore, the Committee should contribute to the development of an action plan to reduce the backlog of allegations.
- 934.** *The Chairperson of the IOAC* said that the Committee examined all recommendations and their implementation at each of its meetings and was satisfied with the Office's follow-up. It was difficult to provide details on the root causes of the increase in allegations owing to a lack of historical data; moreover, issues that would currently be deemed to warrant investigation might not have been considered as such in the past. The IOAC would continue to examine the types of allegations made to guide the Office in its actions, including those relating to the role of the Ethics Officer.
- 935.** As to the IT framework, the Office needed to keep up with the pace of change in IT, which required sufficient resources. The IOAC would continue to address skills development and the Human Resources Strategy; the ILO should indeed act as a global benchmark. Performance appraisals fell outside the mandate of the IOAC, unless the Governing Body decided otherwise. At its next meeting, the Committee would discuss whether the ILO Administrative Tribunal and geographic diversity among staff fell within its mandate and, if so decided, would work with the Office on looking into those issues.
- 936.** The Office had made very good progress in ensuring compliance with the International Professional Practices Framework of the Institute of Internal Auditors, with almost 90 per cent of areas receiving a "Generally Conforms" rating.
- 937.** *A representative of the Director-General (Treasurer and Financial Comptroller)* said that recommendation 1 referred to the financial framework and the installation of projects in the Enterprise Resource Planning (ERP) system, IRIS. The IRIS roll-out to the field was scheduled for completion in 2019. Larger projects were being brought within the IRIS framework and 18 were already fully integrated. A cost–benefit calculation was undertaken on every project to decide whether it should be part of the framework or an alternative

system; such decisions were made in conjunction with the project donors to ensure funding was available.

- 938.** With regard to ASHI, the Office was continuing to meet its liability on a pay-as-you-go basis, as instructed by the Governing Body. The Office had been very active in the UN inter-agency Working Group on After-Service Health Insurance looking at different financing and related operational methods. The Working Group had reported to the UN Secretary-General, who had submitted a report to the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which would soon be sent to the Fifth Committee and then to the General Assembly. The Office would report back to the Governing Body on any recommendations and conclusions of the General Assembly.
- 939.** In response to IMEC's question, if approved, the proposed additional resources for the IAO would be used to finance a new investigator position.

Outcome

- 940.** *The Governing Body took note of the report.*

(GB.335/PFA/6)

Seventh item on the agenda

Report of the Chief Internal Auditor for the year ended 31 December 2018 (GB.335/PFA/7)

- 941.** *The Employer spokesperson* said that it was critical to ensure that the IAO had adequate resources. He welcomed the indication that the IAO intended to hire an additional investigator.
- 942.** The upward trend in reporting of allegations of fraud and misconduct was concerning, although that might be due to increased awareness among staff and improved monitoring systems. The Employers supported the development of a culture to increase awareness and understanding of accountability among staff. Areas of concern which the Office should address were the increased number of allegations carried forward from one year to the next, which perhaps resulted from a lack of resources, and the insufficient compliance with security regulations among external collaborators, in particular those working in high-risk countries.
- 943.** *The Worker spokesperson* noted with satisfaction that no major weaknesses had been identified in the ILO's system of internal control, except in the follow-up audit of the SHIF. The Office should follow-up on the recommendations on the four remaining critical areas as soon as possible to improve internal control and further reduce the risk of fraud. She also welcomed the positive results of the external quality assessment of the IAO.
- 944.** She supported the recommendation to roll-out the IRIS reporting dashboard as soon as possible to address the difficulties in extracting data from the system experienced by some offices, and asked when the roll-out was envisaged.
- 945.** The Workers supported the recommendation to ensure that external collaborators completed the UNDSS online courses and obtained clearance to ensure that they were protected in the

event of a security incident, as well as the proposal to have an Office-wide roster of external collaborators. Lastly, the practice of ensuring that comments of the ILO Gender, Equality and Diversity Branch were solicited during the quality assurance process of the DWCPs to ensure that gender issues were adequately addressed was welcome.

- 946.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania also welcomed the fact that the IAO had not identified any major weaknesses in the ILO's system of internal control, except in the follow-up audit of the SHIF. The improvements been made to the risk registers developed by each department and office were laudable. He welcomed the considerable progress made in the operation of services and projects.
- 947.** The Africa group supported the proposal to delegate authority to Chief Technical Advisers, which would enable swift and efficient implementation of projects. On the subject of external collaborators, it was essential that they obtained the necessary security clearance, for their own sake and that of the ILO's reputation. With regard to gender equality, the Office should make every effort to ensure complete equality between men and women within the Organization. Lastly, he expressed pleasure that the 2018 external quality assessment had found that the IAO generally conformed to the mandatory elements of the International Professional Practices Framework.
- 948.** *Speaking on behalf of ASPAG*, a Government representative of China noting that there was an upward trend in the reporting of allegations of fraud and misconduct, and that the investigations in 2018 had identified a number of key issues where lessons could be learned, encouraged the Office to take the necessary action, including by providing relevant training for managers and staff.
- 949.** *Speaking on behalf of IMEC*, a Government representative of Finland agreed that the upward trend in referrals indicated that staff members were more confident reporting misconduct; however, it could also point to a need for improved risk management, internal control, governance processes and awareness raising. The engagement of managers at every level was important in the development of risk registers and a risk management culture. IMEC supported the recommendation to develop a roster of external collaborators, which could enhance the efficiency and effectiveness of risk management.
- 950.** On the subject of fraud, it was unacceptable that implementing agents and the SHIF remained high-risk areas; the Office should provide more information on how it was addressing those issues. She reiterated IMEC's previous request that the report should include information on the sums of money lost to substantiated claims of fraud, particularly with regard to the SHIF, and efforts to recover those funds. The report should also include the number of audit recommendations that were overdue, by year and significance level, and the status of misconduct referrals should be broken-down by year. She asked whether the IAO or the Treasurer and Financial Comptroller tracked implementation of internal audit recommendations and whether the IAO tracked the implementation of recommendations of external audits and the Joint Inspection Unit (JIU). She requested the Office to implement recommendation 9 from the JIU review of whistle-blower policies and practices in UN system organizations and to provide information on the administrative actions taken in the cases of substantiated misconduct.
- 951.** She welcomed the IAO's incorporation of indicators from the UN System-Wide Action Plan on Gender Equality and the Empowerment of Women at the field level and the proposal to consult the ILO Gender, Equality and Diversity Branch to incorporate gender perspectives into DWCPs; however, that should not rely on one single branch. It was important to mainstream gender equality into all risk assessments and strengthen internal knowledge sharing and training in that area. At the country level, greater coordination arising from UN

development system reform might also offer opportunities to draw on expertise on gender through UNDAFs.

- 952.** The Office should share good practices identified by the IAO across the Organization, in particular those from the Better Work Branch, which could be replicated in other ILO projects. The additional funding provided for the resource gaps identified by the IAO was appreciated. However, the investigation backlog was of great concern. In order to raise awareness about, and confidence in reporting misconduct, the process of handling complaints should be accelerated, without compromising the rigidity of the procedure. It was important to take the measures necessary to enable the IAO to alleviate its backlog, as the IOAC had also recommended. Lastly, she expressed appreciation that the IAO was taking seriously the recommendations from the external quality assessment, thereby exemplifying the importance of the proper functioning of risk management at the ILO.
- 953.** *A Government representative of the Russian Federation* welcomed the fact that no serious shortcomings had been identified in 2018. With regard to the recommendations on the SHIF, he requested information on the coordination between the Office and other international organizations with their own health insurance systems. As to the increase in investigations of allegations of fraud in 2018, he requested the Chief Internal Auditor's views on the reasons. Future reports should contain information on the sums lost by the Office due to fraud and on efforts to recover those sums, as previously requested by the Governing Body.
- 954.** He asked what measures could be taken to reduce the backlog of investigations, in addition to increasing the resources allocated to the IAO, and whether the use of internal capacity in other departments, as proposed by the Governing Body, had been discussed with HRD, along with the requisite amount of resources. He asked what percentage of investigation work had been outsourced, and whether consideration had been given to working with other UN agencies to establish a joint body to deal with allegations of fraud or other impropriety. Lastly, he asked the Office when it intended to publish documentation relating to the overview of the ILO's audit and oversight system proposed at the 332nd Session of the Governing Body.
- 955.** *A representative of the Director-General (Chief Internal Auditor)* said that the increase in reports of wrongdoing reflected the increased confidence of ILO staff in the reporting system. The resources included in the programme and budget proposals would support the efforts already made to reduce the backlog. The backlog had already been reduced from 80 open cases and 13 awaiting closure at the end of 2018 to 70 open cases and nine awaiting closure; the current figures included 13 new referrals received since January 2019. The IAO occasionally turned to other ILO departments for support, for example by requesting the assistance of the regions in low- and medium-risk cases under the IAO's guidance; high-risk cases were always handled by the IAO itself. The IAO could indeed draw on assistance from other UN agencies through the United Nations Representatives of Investigations Services (UNRIS) network, and had done so in the past.
- 956.** Figures on losses had not been included in the report because final totals would only be confirmed further into the process and there could be legal ramifications of making that information public while cases were still under way; however, he could provide further details on a bilateral basis. The allegations of fraud currently being reviewed in relation to the SHIF related to individual claimants and did not involve significant amounts of money.
- 957.** Referrals to the IAO were merely allegations of intentional wrongdoing, and some cases were closed after an initial examination revealed a lack of credible evidence or a misunderstanding of the rules rather than any intentional wrongdoing. Other cases identified by the IAO, especially those ranked as high risk, could be complex in nature, and require significant resources, including on occasion outside expertise.

- 958.** Follow-up to audit recommendations was the responsibility of the Office of the Treasurer and Financial Comptroller. Entities subject to an internal audit were required to provide progress reports on high-risk recommendations within three months, and once the Office of the Treasurer and Financial Comptroller had deemed those recommendations to have been implemented, the IAO received the report for review and may respond if it had any concerns. The follow-up system had reduced the implementation time for internal audit recommendations considerably. The IAO did not follow-up on recommendations made by the external auditors, who had their own system and submitted a separate report to the Governing Body. Nor did the IAO follow-up on the recommendations of the JIU, which requested status reports from the ILO on the implementation of its own recommendations.
- 959.** As to gender mainstreaming, audit project proposals were routinely examined by the Gender, Equality and Diversity Branch as well as a number of other branches and units as part of the quality assurance mechanism. Regarding external collaborators, they were required by the UNDSS to complete basic online training and obtain security clearance, particularly if they were working in areas at higher risk of civil or political unrest. That served both to reduce the risks they might face and to ensure they received assistance from the UNDSS in the event of situations such as unrest or natural disaster.
- 960.** *A representative of the Director-General (Treasurer and Financial Comptroller)* said that the Office used a comprehensive system to follow up recommendations made by the internal and external auditors and the IOAC, assessing whether the proposed response from the audited entity was acceptable and complete. The response and the assessment were then reported to the Chief Internal Auditor and the IOAC. The roll-out of the IRIS reporting dashboard would begin in April 2019 with expanded functionality being delivered progressively throughout the year. While fraud of any kind was unacceptable, the existence of a risk of fraud was not; it was a reality faced by all businesses, particularly in some of the environments in which the ILO operated. The Office's focus was to mitigate that risk through establishing and implementing appropriate procedures and internal controls.
- 961.** The Office had commenced implementing measures to address the recommendations from the internal auditor in respect of the SHIF, for example the development of criteria for acceptable proofs of payment that could be adapted to various jurisdictions where the ILO operated; standard operating procedures relating to supervision, and the segregation of duties. The IT enhancements to the SHIF would help address many of these recommendations, and pending their roll-out additional manual controls had been implemented. The SHIF Executive Secretary collaborated with his insurance counterparts, in particular the UN Office at Geneva and the World Health Organization (WHO) to improve services and negotiate collective agreements with healthcare providers.
- 962.** Programme managers were required to follow a more rigorous selection process for implementing partners including checklists to document the process, and were expected to provide ongoing oversight of the implementing partner's delivery. A new draft whistleblower policy, informed by the JIU report and recommendations, was being finalized.

Outcome

963. *The Governing Body took note of the report.*

(GB.335/PFA/7)

Eighth item on the agenda

Other audit and oversight questions

964. There was no document under this agenda item.

Personnel Segment

Ninth item on the agenda

Statement by the Chairperson of the Staff Union

965. The statement by the Chairperson of the Staff Union is reproduced in Appendix III.

Tenth item on the agenda

Amendments to the Staff Regulations

([GB.335/PFA/10\(Rev.\)](#))

966. *The Worker spokesperson* welcomed the consultation process with the Joint Negotiating Committee and supported the draft decision.
967. *The Employer spokesperson* supported the draft decision on the understanding that the Office would continue to engage actively with the ICSC to reform the post adjustment and other salary survey methodologies.
968. *A Government representative of the Russian Federation* requested clarification as to whether the “competent body” mentioned in the amendment to article 3.1(d) contained in chapter III of the Staff Regulations was the ICSC and whether the references to “family allowances” described the allowances prevailing within the UN common system.
969. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia took note of the amendment to article 3.1 and the consultations held with the Joint Negotiating Committee in the interest of transparency. His group supported the draft decision.
970. *Speaking on behalf of IMEC*, a Government representative of Canada expressed support for the draft decision.
971. *A representative of the Director-General* (Director, Human Resources Development Department (HRD)) confirmed that the “competent body” mentioned in the amendment to article 3.1(d) was the ICSC and that the “family allowances” were those prevailing in the UN system. The document had simply been edited for coherence and no changes had been made to its substance.

Decision

972. *The Governing Body:*

- (a) *approved the amendments to articles 3.1(d), 3.12bis and 3.13 of the Staff Regulations related to salary scales and family allowances contained in the appendix of document GB.335/PFA/10(Rev.); and*
- (b) *noted the amendments to article 3.1(a) of the Staff Regulations related to the salary scale for the Professional and higher categories, and the scale of pensionable remuneration for staff in the Professional and higher categories, as contained in the appendix of document GB.335/PFA/10(Rev.).*

(GB.335/PFA/10(Rev.), paragraph 7)

Eleventh item on the agenda

Composition and structure of the ILO staff ([GB.335/PFA/11](#))

973. *The Worker spokesperson* welcomed the increase in the percentage of female professional staff but said that further efforts were needed to achieve gender parity at all grades, especially at the P5 level. It would have been interesting to receive information on regional differences in gender distribution among non-language staff in the Professional category and higher, which had been provided in previous reports. She took note of the Office's efforts to improve geographical diversity among its staff, including the Senior Management Team's endorsement of recommendations proposed by a task force on geographical diversity. She also noted the ongoing consultations held between management and staff representatives on how to make the Office more diverse and inclusive, with a view to submitting amendments to the Staff Regulations to the Governing Body at its 337th Session. In its efforts to improve diversity, the Office should also look to recruit more individuals from workers' and employers' organizations. Furthermore, the Governing Body should receive an overview of the number of persons with disabilities recruited by the ILO.
974. Since 2003, there had been a significant increase in the recruitment of staff paid with extrabudgetary resources, many of whom were hired on short-term contracts, leaving them in a state of uncertainty. The Office should continue to monitor that trend and should provide information on the length of staff contracts disaggregated by age and sex.
975. *The Employer spokesperson* said that the document had not included the information requested by his group on the professional backgrounds of ILO officials in categories P5 and above. Such information would enable the Office to identify measures to improve the diversity of the staff by including more people with experience in a business or employers' organization or in senior management in the private sector, who had real-life experience of working with constituents and understood their needs. All three legs of a tripartite structure must be equal to ensure robustness and balance. However, the ILO leadership was imbalanced in terms of professional background. Recruiting from more diverse professional backgrounds, demographics and life experience at all levels would give the Organization an inherent diversity of thinking that would give it a competitive edge. One possibility would be to use recruitment platforms such as LinkedIn, which were widely used by the business sector. Such advertisements could be easily shared, for example via ACT/EMP, so that the IOE was involved in the outreach and could invite HRD to its activities, and vice versa. In

particular, the Organization should improve its outreach to young people, and perhaps consider a targeted rebranding or marketing exercise to raise awareness of the ILO.

- 976.** With regard to gender diversity, there should be an upward trend at all levels, particularly at entry-level (P2) positions, where the ratio of women was highest. With the right promotional track, mentoring and training, the ILO would be able to tap into that pool of professionals in the future to improve the gender balance at the higher levels. There were still considerably fewer women than men at the most senior professional positions (P5), which also frequently led to director-level positions, in which there was also a gender imbalance. He asked the Office how it intended to improve the representation of women in P5 positions.
- 977.** On the matter of geographical diversity, he noted that resorting to a pool of Junior Professional Officers and development cooperation project staff meant that those from non- or under-represented countries faced greater difficulties even reaching the starting line, and that unconscious bias in selection committees might play a role. He requested the Office to carry out a more detailed analysis of departments and regional offices that were lagging behind in geographical diversity so as to strengthen the recommendation on managerial accountability and enable further progress. In sum, attaining diversity was an important goal, but the primary objective of the Human Resources Strategy should be to provide constituents with technical excellence through competent staff who could cater to their needs.
- 978.** *Speaking on behalf of the Africa group*, a Government representative of Uganda observed that the cover page of the Office document did not make reference to previous documents considered by the Governing Body on the subject, despite the fact that the discussion was rooted in the Human Resources Strategy 2018–21 and had also been a key element in other documents previously considered by the Governing Body, including the Human Resources Strategy 2006–09, discussed at the 294th Session (November 2005).
- 979.** The current document provided information on certain variables between 2017 and 2018, but it had not assessed the evolution of staff composition and structure against the targets set in the Human Resources Strategy 2018–21, with 2017 as the baseline. According to his own analysis, the percentage of professional positions (P1–P4) held by women stood at 69 per cent, exceeding the target of 45.5 per cent. However, it was concerning that only 40.5 per cent of senior positions (P5 and above) were held by women. The Office had been tasked with increasing the number of staff on regular budget positions who changed position or duty station for one year or more in 2018–19 and 2020–21 by 20 per cent per biennium or 10 per cent per year, but the document showed that an increase of only 5.2 per cent had thus far been achieved. The Office had also been tasked with increasing the number of staff from less-than-adequately represented nationalities recruited in the geographically distributed positions by 25 per cent by 2021 or 6.25 per year, but only a 4.7 per cent increase had been achieved between 2017 and 2018.
- 980.** He noted that there were no Africans represented in the 29 linguistic positions, which was contrary to the principles of social justice of the Organization. That could not solely be the result of unconscious bias and might indicate the existence of negative stereotypes about people from certain regions. In the non-linguistic category, just 11 per cent of staff were from Africa, despite the fact that African States represented more than one quarter of the ILO membership. In addition, almost one quarter of unrepresented nationalities on non-linguistic posts were from Africa. It would be interesting to have information on the geographical representation of staff in the Professional and higher category at headquarters or in field offices, broken down by region.
- 981.** He recalled that the Office had committed at the 294th Session of the Governing Body (November 2005) to developing targets geared towards the achievement of gender and geographical diversity. As such, it had undertaken to develop and adopt a framework to

promote and implement a broader approach to diversity management. It had also made commitments to conduct reviews every five years of the effectiveness of the measures taken to promote employment opportunities for persons with disabilities and take steps to improve them. It would gradually extend such analyses to other areas of diversity, including more balanced regional representation, in order to identify and eliminate potential cultural and other biases in recruitment, placement and career progression. However, almost 15 years later, regional balance remained an issue.

- 982.** He expressed concern that, at its 292nd Session (March 2005), the Governing Body had identified a number of measures to be taken that had not been acted on. He sought assurance from the Office that it was committed to ending the under- and non-representation of certain regions and countries, and information on how that would be done. He therefore proposed amending the draft decision to read:

The Governing Body requests the Office to present to the 337th Session of the Governing Body a comprehensive and time-bound action plan for improving gender and regional diversity. It should particularly indicate the measures to be taken to ensure representation of the non-represented and under-represented countries. The subsequent report should also indicate geographical distribution of regular staff by category/grade to facilitate the evaluation of the set targets.

- 983.** *Speaking on behalf of ASPAG*, a Government representative of Japan noted with regard to the first recommendation that ASPAG countries were considerably under-represented, with only 17 per cent of Professional and higher category staff. She urged the Office to take steps to effectively tackle the under-representation of ASPAG countries and to report on progress. She also requested the Office to keep the Governing Body informed of progress concerning the target of the Human Resources Strategy 2018–21 to increase the number of staff from less-than-adequately represented nationalities by 25 per cent by 2021. In its 2012 review of gender balance and geographical distribution, the JIU had noted that the ILO formula for assessing the desirable range of equitable geographical representation and its application to a very limited number of posts was based solely on contributions; that should be reviewed and aligned with the general practice in the rest of the UN system.
- 984.** It was vital that any existing recruitment and selection processes and job requirements that might systematically bias the outcome should be carefully reviewed. ASPAG welcomed the Task Force’s observation on “requirements inflation” in terms of languages; accordingly, she requested the Office to implement the provision of the Staff Regulations under which candidates whose mother tongue was not a working language were required to have satisfactory working knowledge of only one of the working languages at the time of recruitment, and to communicate that fact to potential applicants in under-represented countries. That would broaden the human resource base and ensure greater diversity in staff.
- 985.** Gender equality was a vital consideration in ensuring the inclusiveness of the ILO. Moreover, research demonstrated that gender diversity in the workplace helped improve productivity. The Women at Work Initiative provided an opportunity for the Office to lead the way by demonstrating its commitment in that area. Lastly, she requested the Office to promote greater staff mobility between headquarters and the field, and to include in all future documents on the agenda item an assessment of the achievements of all the specific targets in the Human Resources Strategy 2018–21.
- 986.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland emphasized the importance of diversity, particularly geographic diversity, in the composition and structure of ILO staff. However, the continued imbalance in geographical distribution at all levels was cause for concern, with many Eastern European countries unrepresented or under-represented, and progress towards better representation was insufficient. It would be useful if the Office document could show progress over a longer

period of time. The work of the Task Force to examine the root causes of the situation was a welcome development. Its analysis had identified the advantages enjoyed by some member States and the factors hindering others in recruitment. She requested the Office to share the Task Force's report with the Governing Body. Lastly, she requested the Office to continue to improve the recruitment process with regard to unrepresented and under-represented member States by adopting comprehensive measures, with targets and monitoring and reporting, with a view to achieving regional balance at all levels at headquarters and in the field.

- 987.** *Speaking on behalf of IMEC*, a Government representative of Canada said that it was important to respect staff members' privacy in relation to their career background and other professional information. The progress in improving the overall gender balance was particularly welcome, and efforts should be maintained to ensure gender parity at all levels. IMEC also welcomed the establishment of the Task Force and sought more information on its recommendations, in particular recommendations 3, 4 and 5. She encouraged the Office, governments and the social partners to disseminate ILO job advertisements widely to ensure a broad pool of candidates. Merit must be the overriding principle in selection processes, therefore her group did not support profiling or quotas. IMEC supported the action plan to address the obstacles to diverse recruitment, and strongly suggested that it should be treated as an internal policy rather than a process to be managed by the Governing Body.
- 988.** *Speaking on behalf of the Community of Portuguese-speaking Countries (CPLP)*, a Government representative of Brazil said that despite Portuguese being the fifth most spoken language in the world, it was not yet an official language of the UN. Most CPLP countries were under-represented, or unrepresented, in non-linguistic posts at the ILO. He requested information on how the Office was endeavouring to increase the representation of nationals of Portuguese-speaking countries. The group would appreciate more detailed information on staff members' language skills in the next report on staff composition.
- 989.** *A Government representative of the Russian Federation* requested the Office to circulate the full list of recommendations made by the Task Force and the road map drawn up by HRD to address them. One of the recommendations should refer to the need for greater efforts by member States to foster better geographical representation, and a plan to improve geographical representation should be drawn up with the involvement of member States. Consideration could be given to establishing a specific action plan on equitable geographical representation for 2020–23. He emphasized that unconscious bias in the selection process of an international organization was unacceptable.
- 990.** He would have appreciated a reference in the document to the ILO's geographical quotas, with statistics disaggregated by States that were inadequately represented, adequately represented and more than adequately represented, and details of how the situation had changed in recent years, to provide a clear picture of the progress made. He asked how countries were defined as under-represented, adequately represented and over-represented; those criteria should be included in future reports.
- 991.** *A Government representative of India* noted that in the 100-year history of the ILO, there had not been a Director-General from Asia and the Pacific or Africa, and only one from Latin America and the Caribbean. Greater geographical diversity was required at all levels, including senior management, in keeping with the international character of the ILO. Another cause for concern was the fact that 46 of the 75 staff members recruited to non-linguistic posts in 2018 were from member States already more than adequately represented; given that more than 60 member States were not represented at all, it was difficult to believe that most merit resided in a particular region. He requested clarification of the rationale behind those recruitment decisions and urged the Office to explore proactive ways of

increasing recruitment from unrepresented member States, including the use of new technology.

- 992.** A 2012 review of gender balance and geographical distribution by the JIU had highlighted that the ILO formula for desirable ranges was currently based solely on member States' assessed contributions and that the ILO had one of the lowest proportions of posts subject to geographical representation and open to external candidates in the UN system. He requested the Office to provide regular progress reports on geographical diversity in all staff categories. Much greater geographical mobility between headquarters and field offices was needed; the Organization could also increase the decentralization of its structures and staff to bring it closer to the areas in which it was active. He requested an assessment of the progress made towards the specific targets of the Human Resources Strategy. He supported the proposals of the Africa group and the Russian Federation.
- 993.** *A Government representative of China* said that the Office's efforts to achieve a gender and geographical balance were welcome, but many member States remained unrepresented or under-represented in the secretariat and in Professional and higher-level positions. In the next biennium, China would become the second-largest financial contributor to the ILO, yet just 16 staff members in posts subject to geographical representation were Chinese.
- 994.** He supported the establishment of the Task Force and agreed that among the causes of under-representation, the requirements for international work experience and language skills were excessive and contributed to the long-term failure to improve geographical representation. Likewise, he welcomed the recommendations made by the Task Force, as well as the action plan drawn up by HRD, which should be communicated to governments so that they could ensure that it included effective and operational measures to address under-representation. He supported the proposed amendment submitted by the Africa group.
- 995.** *A Government representative of Ethiopia* welcomed the Office's progress in enhancing the gender balance of its staff; however, efforts to improve geographical diversity had not yielded satisfactory results. It was also unclear whether the targets of the Human Resources Strategy 2018–21 would be met within the time frame. He therefore requested information on possible innovative measures and how and when the representation of under-represented and unrepresented member States would be significantly improved.
- 996.** *The Chairperson* noted that Government members from the ASPAG region had supported the proposed amendment of the Africa group.
- 997.** *The Worker spokesperson* sought clarity on what would be included in the action plan proposed by the Africa group, as proposals in addition to regional and gender balance had been mentioned, as well as how it would fit together with the Human Resources Strategy and its targets adopted in 2017.
- 998.** *The Employer spokesperson* also requested further clarification from the Africa group on its proposed action plan, particularly how it would relate to the strategy already adopted. In addition to gender and regional diversity, any action plan should address professional diversity.
- 999.** *The Chairperson* said that the Office had noted the Governing Body's desire for more information concerning geographical, gender and language diversity.
- 1000.** *Speaking on behalf of ASPAG*, a Government representative of Japan clarified that ASPAG did not support the proposed amendment as a group.

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- 1001.** *Speaking on behalf of IMEC*, a Government representative of Canada said that, while her group supported ensuring diversity and inclusivity in ILO staff, it considered it a human resources policy matter under the remit of HRD, which should not be managed by the Governing Body.
- 1002.** *The Employer spokesperson* asked the Africa group to clarify the precise meaning and intention of its amendment.
- 1003.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that his group was not satisfied that the Office was implementing the current strategy as it was intended and would therefore like a clear action plan for implementation to be established. He disagreed that this issue did not concern the Governing Body and would like further information about how the Office intended to implement the strategy, which his group had always supported.
- 1004.** *A representative of the Director-General* (Director, HRD) , responding to the question from the Workers about persons with disabilities, said that the Office did not maintain statistics on staff members with disabilities, but it could be assumed that, in line with the general population, about 15 per cent of ILO staff members had a disability. At the recruitment stage, candidates were asked if they had any special requirements for the interview and, after recruitment, reasonable accommodation was provided for staff members with disabilities, including specialized furniture and IT equipment. Every effort was made to provide career development and promotion opportunities for staff with disabilities.
- 1005.** With regard to the professional background of ILO staff, the Office was keen to recruit staff with diverse experience and had proposed discussions with the different groups on how to recruit staff with more varied professional backgrounds. He would welcome the opportunity to engage in more in-depth discussions to that end. The Office had leveraged ILO Jobs and other IT platforms to render its outreach efforts more effective.
- 1006.** The Human Resources Strategy covered two biennia, from 2018–21. It included targets, indicators and a strategy text to guide the work of the Office. The intention had been to submit a progress report to the 338th Session of the Governing Body in March 2020, as it was difficult to evaluate achievements after only one year. However, the Office could present a plan of action on the specific issue of national representation to the 336th Session of the Governing Body. His department had already begun developing such a plan of action.
- 1007.** The Office was exploring the option of considering all female candidates alongside internal candidates. Time-bound contracts included short-term and temporary fixed-term contracts. The Office was considering limiting recruitment on such contracts to candidates from under-represented countries. Allocating resources to provide specific opportunities to recruit young people from under-represented countries could include the establishment of a dedicated young professionals programme, although the funding required would be an issue.
- 1008.** He clarified that the Office did not impose any kind of quota, which was reflected in the fact that some countries were over-represented and others were under-represented. However, desirable ranges for each member State were calculated on the basis of assessed contributions. All member States, regardless of financial contribution, had a desirable range of at least one to two staff members. There had been some discussion about revising the method of determining desirable ranges, but the issue required careful consideration.
- 1009.** *The Director-General* agreed that there was a representation problem; it required further action and more effective and rapid advancement, which was why the Office had established a task force in 2018. He noted that unconscious bias, described by one delegate as “unacceptable”, was present in every recruitment and selection process. It would be

unacceptable to ignore or deny the existence of such a bias and the Task Force had not attempted to do so. HRD was already developing an action plan based on the Task Force's recommendations and would submit recommendations for concrete actions to the 336th Session of the Governing Body. They would include proposals for amendments to the ILO Staff Regulations. The Staff Regulations, and the legal framework that they provided, prevented the Office from doing more to promote national, regional and gender diversity amongst its staff members. The amended draft decision proposed by the Africa group was very close in intent and effect to the course of action already being taken by the Office and could serve to encourage the Office to be more effective in improving diversity.

- 1010.** *The Employer spokesperson* welcomed the efforts on diversity already being undertaken by the Office. He proposed that the amendment should read: "The Governing Body requests the Office to present to the 337th Session of the Governing Body a comprehensive and time-bound action plan for improving gender, regional and professional diversity, as an integral part of the Human Resources Strategy."
- 1011.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that he supported the Employers' proposal and requested the Workers and Governments to do the same.
- 1012.** *Speaking on behalf of IMEC*, a Government representative of Canada said that her group had not had an opportunity to discuss the amendment. She asked the Office to explain the practical implications of the amendment, as staff members were not currently categorized according to professional background.
- 1013.** *The Director-General* said that the proposed reference to professional diversity was ambiguous and that further consideration would be needed in order to clarify the practical implications and precise meaning of the proposal.
- 1014.** *A Government representative of the Russian Federation* said that he was not familiar with the exact meaning of the term "professional diversity". Supporting the statement made by IMEC and the original proposal made by the Africa group, he expressed the hope that the work already begun would continue and that a progress report would be submitted to the 336th Session of the Governing Body. He requested the Office to provide a table showing the representation of each member State among its staff members.
- 1015.** *A representative of the Director-General* (Director, HRD) said that such information could be provided on request, but it was not the usual practice of the Office to provide information to governments about other member States.
- 1016.** *The Worker spokesperson* said that, in principle, the Workers supported the Employers' proposal. However, it was important that any action plan was integrated into the Human Resources Strategy and included a broad concept of diversity.
- 1017.** *A Government representative of the Islamic Republic of Iran* said that his Government aligned itself with the statement made by ASPAG. He expressed support for the original amendment proposed by the Africa group.
- 1018.** *The Employer spokesperson* proposed changing the "professional diversity" to "diversity of professional experience" in the amendment. Ambiguity was unavoidable as the world moved towards the future of work and it was inevitable that some would feel uncomfortable with the changes taking place. However, the term "diversity of professional experience" was not ambiguous. It was important that the ILO was comfortable with change so that it could become a thought leader and implement changes that had already been made in the business sector.

- 1019.** *A Government representative of the Russian Federation* emphasized that access to information on the number of staff members from each country employed by the Office calculated on the basis of member States' assessed contributions was a matter of transparency. Such information was provided as standard by other bodies of the UN system. He asked why the Office did not make that information available as a matter of course, noting that there were restrictions on the representation of each country.
- 1020.** *The Employer spokesperson* proposed that the draft decision should refer to "a comprehensive and time-bound action plan for improving gender and regional diversity as well as professional diversity that encompasses work experience relevant to the constituents as an integral part of the HR Strategy", to ensure that business experience was present in the Office. He underscored that the group's proposal did not imply the use of quotas or profiling.
- 1021.** *The Worker spokesperson* proposed to add, after "as an integral part of the HR Strategy", the wording "in consultation with the Staff Union and take into account the discussion of the Governing Body".
- 1022.** *The Employer spokesperson* said that he could support the Workers' proposal.
- 1023.** *Speaking on behalf of IMEC*, a Government representative of Canada said that her group could support the original draft decision and also the Africa group's proposal. In response to the Employers' concerns, she proposed amending the draft decision to insert, after "gender and regional diversity", the words "and maintaining and enhancing the skills base necessary for effective functioning of the Organization". Furthermore, she proposed adding a new subparagraph to read: "(b) encouraged the Office and constituents to widely disseminate job postings to encourage a wider pool of applicants". She underscored that the proposed action plan should be managed by HRD, not the Governing Body. She had no objection to including consultation with the Staff Union. She requested the view of the Office on the proposed amendments.
- 1024.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, since consultations with the Staff Union took place as a matter of course and in accordance with existing collective agreements, there was no need to request it specifically. The Office had expressed concerns about its capacity to perform some of the work being described and about staff privacy and profiling. The Office did not record the professional background of staff members, only gender, nationality and age, in line with the provisions of the Staff Regulations. Provision of such information could be arranged in future, but the collation of all data on 3,000 current staff members would be an enormously resource-intensive task. IMEC's proposed reference to skills maintenance and enhancement was something that the Office already did to ensure that it had the requisite skills to reflect the Organization's tripartite nature and the diversity among member States. However, if requested, the Office could prepare a proposed action plan on gender and geographical diversity, together with an action plan for developing an enhanced skill base more broadly, beyond simply where staff members had previously worked.
- 1025.** *Speaking on behalf of ASPAG*, a Government representative of China said that his group would prefer the original draft decision that included a reference to under-represented countries, since most of those countries were members of his group.
- 1026.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland recalled the critical importance of regional diversity, which should be worded "geographical diversity" in line with the Staff Regulations. Her group supported the proposals from IMEC, and also the Africa group's proposal to refer to unrepresented and under-represented countries.

- 1027.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that, in the interest of securing consensus, his group wished to return to its earlier, shorter proposal: “The Governing Body requested the Office to present at the 337th Session of the Governing Body a comprehensive and time-bound action plan for improving gender and regional diversity.” No reference was needed to enhancing the skills base, as the Office had said that that already took place.
- 1028.** *The Employer spokesperson* said that IMEC’s proposal did not reflect what the Employers were seeking. He supported the proposal from the Workers’ group. Professional experience was a weak spot in the Office, yet was critical to the future of work.
- 1029.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that he did not support the Workers’ proposal, as the two areas of concern around diversity were regional and gender diversity. Furthermore, the Staff Union should not be involved in recruitment, as that was not common practice.
- 1030.** *A Government representative of the Russian Federation* asked whether any Government members opposed the Africa group’s proposal.
- 1031.** *Speaking on behalf of IMEC*, a Government representative of Canada withdrew her group’s proposed amendment and expressed support for the Africa group’s proposal.
- 1032.** *Speaking on behalf of ASPAG*, a Government representative of China also expressed support for the Africa group’s proposal.
- 1033.** *The Chairperson* asked whether the Governments as a whole supported the Africa group’s proposal.
- 1034.** *The Employer spokesperson* underscored that the social partners’ views must be taken into account. He could not support the proposal by the Africa group, as it did not include a reference to professional diversity, or other similar wording. He suggested that the discussion should be suspended so that a new draft decision could be prepared.
- 1035.** Upon resumption of the discussion, *the Employer spokesperson* proposed an amended draft decision, which, while not encompassing all elements the Employers were looking for, addressed some of them:

The Governing Body:

- (a) requests the Office to present to the 337th Session of the Governing Body a comprehensive and time-bound action plan for improving gender and geographical diversity, and ensuring the necessary breadth of skills and experience of ILO staff, which includes experience relevant to the three constituents, being taken into account to effectively deliver on the mandate of the Organization. It should particularly indicate the measures to be taken to ensure representation of the non-represented and under-represented countries. The subsequent report should also indicate the gender and geographical distribution of regular staff by category/grade to facilitate the evaluation of the set targets of the Human Resources Strategy; and
 - (b) encourages the Office to widely disseminate job postings to constituents to encourage a wide pool of applicants.
- 1036.** *The Worker spokesperson* said that her group could support the amended draft decision proposed by the Employers in the interests of consensus, as it attempted to address several concerns raised by the groups.

1037. *Speaking on behalf of ASPAG*, a Government representative of China also supported the Employers' proposal, as it took into account unrepresented and under-represented countries.
1038. *Speaking on behalf of IMEC*, a Government representative of Canada said that, although it seemed that all Governments supported the Africa group's amendment, her group could support the Employers' proposed amendment in the interests of consensus. She asked whether it was necessary to include the word "three" before "constituents".
1039. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that his group could be flexible in supporting the Employers' proposed amendment.
1040. *Speaking on behalf of the Eastern European group*, a Government representative of Poland supported the draft decision, with the amendment proposed by the Employers.
1041. *A representative of the Director-General* (Deputy Director-General, Management and Reform), responding to IMEC's query, said that as the ILO had 187 member States, it was awkward to refer to "three constituents"; however, it was for the Governing Body to decide.
1042. *The Employer spokesperson* clarified that the "three constituents" was intended to emphasize all three constituent groups.

Decision

1043. *The Governing Body:*

- (a) *requested the Office to present to the Governing Body at its 337th Session (October–November 2019) a comprehensive and time-bound action plan for improving gender and geographical diversity and ensuring that the necessary breadth of skills and experience of ILO staff, which included experience relevant to the three constituent groups, was taken into account, to effectively deliver on the mandate of the Organization. It should particularly indicate the measures to be taken to ensure representation of the unrepresented and under-represented countries. The subsequent report should also indicate the gender and geographical distribution of regular staff by category and grade to facilitate the evaluation of the established targets of the Human Resources Strategy; and*
- (b) *encouraged the Office to widely disseminate job postings to constituents so as to encourage a wide pool of applicants.*

(GB.335/PFA/11, paragraph 6, as amended by the Governing Body)

Twelfth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Proposed amendments to the Statute of the Tribunal ([GB.335/PFA/12/1](#))

- 1044.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) recalled that the proposed amendments to the Statute of the Tribunal had been considered by the Governing Body in November 2018 but, due to concerns that had been expressed by some international organizations that came under the jurisdiction of the Tribunal, the Officers had recommended that the Governing Body should defer the matter to allow time for further consultations. Following those consultations, there were still some areas of difference. Some organizations were of the view that the amendments should be reflected not in the Statute, but through a series of bilateral agreements between the ILO and each member organization; however, the Office would then be required to negotiate separately and conclude 57 agreements.
- 1045.** In order to accommodate other concerns, it was currently proposed that the Governing Body should “take note” of the decision of an organization’s intention to withdraw rather than “approve” the withdrawal. In the current draft, the proposal that it would be mandatory for organizations to provide the reasons for their departure and indicate the nature of consultations with staff had been changed to a recommendatory provision.
- 1046.** The ILO was not required under the Statute to consult with other parties on amendments, but did so as a matter of good faith and due process. The rationale for pursuing the amendments came from a request from the Tribunal: there was a formal process for organizations recognizing the jurisdiction of the Tribunal, therefore there should also be a formal process for them to withdraw that recognition.
- 1047.** At the conclusion of the consultations, a large number of member organizations did not support the revised amendments. Nonetheless, as the Governing Body and the International Labour Conference were the custodians of the Tribunal and its Statute, it was appropriate for the Governing Body to take the decision as to whether to seek the support of the Conference for the proposed amendments to the Statute. A background document containing correspondence from legal advisers of member organizations of the Tribunal had been provided to the regional coordinators and the two non-governmental groups.
- 1048.** *The Employer spokesperson* said that the Employers’ group had analysed the issue, taking account of the concerns expressed over previous years on the impact of the heavy workload and effectiveness of the Tribunal. The group noted with satisfaction that the backlog had been practically eliminated with the consequent positive effect on the length of time it took to issue a judgment. It would be useful to understand the reasons why several organizations had ceased membership of the Tribunal, particularly to understand whether the link between the withdrawals and dissatisfaction with the Tribunal’s judgments was unique to each withdrawing organization’s situation or part of a broader trend, as the latter would reflect a loss of confidence in the Tribunal process and judgments.
- 1049.** Member organizations of the Tribunal should respect the Tribunal’s independence and the authority and impartiality of its judgments. It was reasonable to request a withdrawing organization to communicate the reasons for the withdrawal and to provide details on prior consultations with representative staff bodies. That would ensure good faith and

transparency, and help the Tribunal to make further improvements. The Employers agreed that the Governing Body should take note of, not approve, the decision of an organization to withdraw. The group also welcomed the removal of the 12-month notice period for withdrawal and the proposal that the effective date of withdrawal would be the date on which the Governing Body took note of the notification. The Employers supported the draft decision.

- 1050.** *The Worker spokesperson* noted with satisfaction the proposal to amend the Statute of the Tribunal and its Annex. Under article XI, the Statute could be amended by the International Labour Conference after consultation with the Tribunal; the Tribunal had been consulted and supported the amendments proposed. The Workers agreed that the Statute should contain provisions for revocation as well as acceptance of the Tribunal's jurisdiction. The proposed amendments were necessary due to the fact that a number of organizations had withdrawn from the Tribunal's jurisdiction. It appeared that decisions to withdraw might be linked to unfavourable judgments rendered by the Tribunal towards those organizations, the fact that remedies ordered by some other administrative tribunals were less stringent, and cost savings. The Workers' group strongly agreed that withdrawals might be perceived as forum shopping. The fact that an organization could decide to withdraw its recognition of a tribunal's jurisdiction simply because it disagreed with a tribunal's judgments weakened the appearance of independence and impartiality of both the tribunal from which the organization wished to withdraw and the one it wished to join.
- 1051.** Concerning the changes following consultations with member organizations on the proposed amendments, the Workers' group agreed that: the reasons for withdrawal of recognition of the jurisdiction of the Tribunal should be provided in the withdrawal letter; the proposed amendments should introduce an obligation to consult with staff representative organizations regarding any possible withdrawal from the Tribunal's jurisdiction; withdrawing organizations must fully and faithfully execute judgments on complaints filed prior to the withdrawal and pay all corresponding costs in accordance with current practice; the issue of application for review, interpretation or execution of a judgment might also need to be addressed; and the Governing Body should take note of, rather than approve, the revocation of acceptance, which would be valid from the date of its decision or any other date agreed upon with the organization concerned. As the proposed amendments would serve to clarify and strengthen the unique role of the Tribunal, the Workers supported the draft decision.
- 1052.** *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that it would be important to approve the proposed amendments during the present session so that the Tribunal would be in a position to codify its withdrawal practices. The group supported the proposal to codify the revocation of the recognition of Tribunal membership in alignment with the admission procedure, such that the Governing Body must determine the effective date of withdrawal in the same manner that it determined the recognition of the Tribunal's jurisdiction pursuant to article XI of the Statute. The Africa group supported the proposed amendments to the Statute in the draft decision.
- 1053.** *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC favoured amending the Statute of the Tribunal to include provisions on withdrawal, whereby the organization would notify the ILO Director-General, who would in turn notify the Governing Body. However, the current proposed amendments still infringed on the prerogative of the governing bodies of member organizations to decide when and under what circumstances it would be appropriate to withdraw. Understanding why an organization had decided to withdraw might be helpful, and the ILO should critically reflect on potential reasons for previous withdrawals; however, the revised wording – that communications “should” contain the reasons – still placed undue pressure on the organization and was contrary to international practice, such as that of the UN Appeals Tribunal. As no reasons were required for an organization to recognize the jurisdiction of the Tribunal, no reasons

should be required for it to withdraw that recognition. Furthermore, even the requirement for the Governing Body to take note of, rather than approve, a withdrawal could give rise to delays in the withdrawal process, thus undermining the consensual basis for the Tribunal's jurisdiction.

1054. He therefore proposed that, if the proposed amendments were accepted by the Governing Body, subparagraph (a) of the draft decision should be amended to read:

- (a) adopted changes to the proposed amendments to the Tribunal's Statute and its Annex, and approved for possible adoption by the International Labour Conference at its 108th Session (June 2019) the draft resolution appended to document GB.335/PFA/12/1 concerning amendments to the Tribunal's Statute and to its Annex, as amended by the Governing Body;

and a new subparagraph should be added after (b), to read:

- (c) requested the Director-General to commission an independent review on the functioning of the ILO Administrative Tribunal, reasons for departures, opportunities for improvements and general alignment with similar tribunals for best practices with a view to delivering the report at the 337th Session of the Governing Body (October–November 2019).

1055. Concerning the proposed amendments to the Annex of the Statute, the group proposed the following changes: in the first sentence of new paragraph 3, to replace “in accordance with” by “in the spirit of” and to delete “and under conditions that safeguard the independence and the appearance of independence of the Tribunal”; to delete subparagraphs (a) and (b); in subparagraph (c), to delete the words “the effective date of its” and to add, at the end of the subparagraph, the sentence “The organization may also wish to include in its communication information on the reasons for the organization's withdrawal and on prior consultations with the staff representative bodies of the organization concerned regarding withdrawal”. New paragraph 4 should be changed to read: “At the next session of the Governing Body after the organization concerned submits its notification of withdrawal, the Director-General shall formally notify the Governing Body of the withdrawal of the organization concerned”.

1056. *A Government representative of Switzerland* expressed concern that several organizations had withdrawn their recognition of the jurisdiction of the Tribunal, and appreciation for the efforts made by the ILO to understand and respond to the problem through consultations held with the Tribunal, the international organizations that recognized its jurisdiction and the relevant staff associations. The ILO must retain its role and influence within the UN system in safeguarding the rights of all parties to an employment dispute, in particular the rights of staff members. The objective was not to make it more difficult for international organizations to withdraw their recognition of the Tribunal's jurisdiction, but to encourage their interest in the Tribunal and in maintaining their recognition of its jurisdiction. There should be greater focus on the functioning of the Tribunal and, to that end, she supported the proposal to request the Director-General to commission a review of the problems encountered and the measures put in place to improve the situation, to be presented to the Governing Body in November 2019. Concrete proposals must be put forward to enable the Tribunal to continue to conduct its activities.

1057. With respect to the proposed amendments to the Statute, she sought clarification on how certain gaps would be addressed to provide legal certainty, namely what happened when proceedings brought by staff members had begun but had not been completed prior to an organization's withdrawal, and whether proceedings could be brought in the period between the notification of an organization's intention to withdraw and the date on which the Governing Body took note of the withdrawal.

- 1058.** *A representative of the World Intellectual Property Organization (WIPO)* said that WIPO took its responsibilities in relation to employment disputes very seriously, both in its own internal justice system and before the ILO Administrative Tribunal. It valued the important role of the Tribunal in judging cases and delivering justice. The position of WIPO and 17 other organizations was set out in a letter of 19 March 2019. WIPO's concern was purely on a matter of legal principle concerning the process for the orderly withdrawal by organizations of their recognition of the jurisdiction of the Tribunal; in the organization's view, the process should not fall within the purview of the Statute, but require the express consent of member organizations.
- 1059.** *Speaking on behalf of GRULAC*, a Government representative of Brazil said that the group supported the spirit and the main thrust of the amendments proposed by IMEC. It was not good governance to create what might be perceived by member organizations as difficulties if they wished to withdraw. The language proposed by IMEC would promote sound governance and good relationships with the organizations that had decided to recognize the jurisdiction of the Tribunal.
- 1060.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that he agreed with some aspects of the amendments put forward by IMEC. However, the proposed reference to "reasons for departure" in relation to the review of the functioning of the Tribunal appeared contradictory, as IMEC had stated that no reasons should be required upon withdrawal. Therefore, he did not support the addition of subparagraph (c) to the draft decision. He did, however, support the proposed changes to the new paragraph 3 of the Annex to the Statute. He could also agree that giving reasons for withdrawing recognition should be optional. However, the wording on information on prior consultations with staff representative bodies must be maintained; if the internal dispute mechanism of an organization was to be altered, then the workers must be consulted, especially since the Tribunal was under the overall supervision of the ILO, which promoted social dialogue. He agreed with IMEC that, as international organizations were not asked their reasons for joining the Tribunal, they should not be asked their reasons for choosing to leave. As Judgment 1043 of the Tribunal stated, similar acts required similar procedures. It therefore followed that, as admission to the Tribunal was by decision of the Governing Body, the Governing Body should have a role when an organization wished to leave. Consequently, he did not agree with IMEC's proposed amendment to new paragraph 4 of the Annex, which should retain the reference that the Governing Body "shall take note of the withdrawal". Lastly, the notification of intention to withdraw from the Tribunal should be placed on the agenda of the "next convenient session" of the Governing Body, as the very next session might not provide sufficient time to include the item on the agenda.
- 1061.** *The Worker spokesperson* noted that the amendments to the Statute proposed by IMEC had deleted or merged several provisions. The suggested changes no longer required the withdrawing organization to provide reasons for its departure, or to explain whether it had consulted its staff. The Workers' group could not support a proposal that weakened the provisions allowing the Governing Body to be informed of the views of the Staff Union on an organization's withdrawal that could have a severe impact on staff members' employment status. For transparency reasons, the Governing Body had to know the reasons for a withdrawal, otherwise it would be reduced to rubber-stamping the decisions of other organizations. The proposed amendment did not specify when the date of withdrawal would take effect, implying that any organization could leave immediately after notifying the Tribunal in writing. Furthermore, IMEC's proposal removed the requirement for the Governing Body to be informed of and to take note of any withdrawal prior to confirming it and notifying the Tribunal. That meant that the Governing Body would have no role whatsoever.

- 1062.** With regard to the proposed subparagraph (c) of the draft decision, the Workers' group did not see the need for the Office to provide a report on the functioning of the Tribunal, or for it to be discussed at the Governing Body, as the Tribunal functioned well. Furthermore, the Office was a client of the Tribunal and should not be reporting on its functioning. Such a discussion would weaken the Tribunal and its authority. Lastly, it made little sense to request the Office to provide the reasons for an organization's withdrawal, since organizations were not currently obliged to provide such reasons. The Workers' group therefore did not support the amendments proposed by IMEC.
- 1063.** *Speaking on behalf of IMEC*, a Government representative of the United States clarified that the report proposed in subparagraph (c) would be an independent review, not conducted by the Office. It would be useful to know the reasons for an organization's departure, but under the proposal it would be an independent body rather than the Office that would enquire into those reasons. Such an enquiry was in no way intended to hinder the withdrawal.
- 1064.** *The Employer spokesperson* emphasized that, while organizations should be entitled to leave without hindrance, they should provide reasons to ensure transparency and because it would be useful for the Tribunal to improve its work. He recognized the element of contradiction with respect to subparagraph (c) of IMEC's proposed amended decision, as the Director-General would require information in order to prepare a report. As to the proposed amendments to the Statute, withdrawing organizations should also provide information on their replacement dispute settlement system. Concerning the reasons for withdrawal, he suggested changing the wording from "may also wish to" to "should".
- 1065.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) emphasized that the amendments drafted by the Office were a reflection of current practice, and did not introduce any additional obligations, obstacles or requirements for organizations to withdraw from the Tribunal. The Office's intention was to establish a formal, transparent process for withdrawal.
- 1066.** In response to the questions raised by the Government representative of Switzerland, he explained that the amendments proposed by the Office made provision for any withdrawing organization to remain under the jurisdiction of the Tribunal until the effective date of withdrawal. Cases still pending at the time of withdrawal would continue under the jurisdiction of the Tribunal until their completion. Furthermore, the Office's proposed amendments required any withdrawing organization to respect any decision concerning a member of its staff that was handed down by the Tribunal during the interim period or after its withdrawal.
- 1067.** In connection with the amendments proposed by IMEC, he expressed concern that the effective date of withdrawal of an organization was not specified. That could create legal uncertainty in terms of the rights of staff to lodge complaints and the application of decisions to withdrawing organizations. The Governing Body of the ILO was rightly handling the proposed amendments to the Statute of the Tribunal, as it was exclusively within its authority and that of the Conference, and not of the governing bodies of other organizations, to amend the Statute. With that authority came the responsibility for ensuring that the Statute reflected the practice of the Tribunal and provided the appropriate protections and processes to ensure that it functioned properly and independently.
- 1068.** *The Government representative of Brazil* asked what the response of the Governing Body would be, in terms of legal certainty, if a withdrawing organization did not provide reasons for leaving or indicate whether the staff had been consulted, and the legal relevance of such information for the decision-making process of the Governing Body.

- 1069.** *The representative of the Director-General* (Deputy Director-General for Management and Reform) said that no legal implications would arise if an organization did not provide reasons for its withdrawal. While the Office would prefer to know the reasons to be able to communicate them to the Governing Body, it was not mandatory for an organization to provide them.
- 1070.** *The Government representative of Brazil* questioned whether a provision on reasons needed to be included in the Statute if the reasons were for information only, without legal consequences. The use of the word “should” in the drafting suggested the imposition of a requirement. For that reason, he considered “may” to be more appropriate, as proposed by IMEC. Furthermore, organizations currently under the jurisdiction of the Tribunal should be given the choice to opt out of any amendments approved by the Governing Body.
- 1071.** *A Government representative of India* said that clarity and transparency in the provisions of a statute led to the effective functioning of any organization and reduced litigation. It was appropriate for the Governing Body to take note of, rather than approve, an organization’s withdrawal of recognition of the jurisdiction of the Tribunal; however, the withdrawal should be effective as from that date, not a date determined by the Governing Body. Furthermore, the proposal that a notification of withdrawal should indicate whether staff representative bodies had been consulted would safeguard the interests of staff.
- 1072.** A transparent and participative mechanism was also needed for the appointment of judges to the Tribunal. Article III of the Statute provided that the Tribunal consisted of seven judges of different nationalities, appointed by the International Labour Conference for a period of three years. However, there were no provisions on the renewal of judges’ terms of office, resulting in judges being appointed repeatedly, which was against the spirit of balanced geographical and gender representation. It was imperative that judges of different nationalities, particularly from unrepresented and under-represented States, should be given an opportunity. To that end, a mechanism involving consultations with member States should be established in the Statute. He proposed that article III(1) of the Statute should be amended to add, after “of different nationalities”, the words “from all geographic regions”. If there was consensus, he would request the Office to present proposed amendments to article III for discussion at the next Governing Body session. To that end, he proposed adding a new subparagraph to the draft decision, to read:
- (c) requested the Director-General to come up with draft amendments to article III of the Statute of the Tribunal to provide specific rules for renewal of judges and to ensure balanced representation in terms of geographical regions at the next session of the Governing Body in 2019 to further enhance transparency and credibility of the Organization during the Centenary year of the ILO.

The objective of the amendment was to provide a more equitable, democratic and representative structure, which was of particular importance during the ILO’s Centenary year. He supported the Office’s proposed amendments to article II, except for any potential modification of the date upon which withdrawal would take effect.

- 1073.** *The Chairperson* suspended the discussion to allow for informal consultations.
- 1074.** *Speaking on behalf of IMEC, the Africa group and GRULAC*, a Government representative of the United States said that, following informal consultations, he proposed further amending the draft decision to read:

The Governing Body:

- (a) adopted changes to the proposed amendments to the Tribunal’s Statute and its Annex; and approved for possible adoption by the International Labour Conference at its 108th Session (June 2019) the draft resolution appended to document GB.335/PFA/12/1

concerning amendments to the Tribunal's Statute and to its Annex, as amended by the Governing Body; and

- (b) requested the Director-General to commission an independent review on the functioning of the ILO Administrative Tribunal, reasons for departures, opportunities for improvements with a view to delivering the report at the 337th Governing Body in October–November 2019.

1075. Much of the substance of the draft decision proposed by the Office had been retained, with a few changes; notably, original subparagraph (b) was deleted and replaced by amended subparagraph (c), which would subsequently be reordered as (b).

1076. With regard to paragraphs 3 and 4 of the Annex to the Statute of the Administrative Tribunal of the International Labour Organization contained in the draft resolution, he proposed amending the text to read:

3. An international organization may withdraw its declaration recognizing the jurisdiction of the Tribunal in the spirit of the principles of good faith and transparency. The organization seeking to withdraw shall notify the Director-General in writing its decision to withdraw from the jurisdiction of the Tribunal. The said notification to the Director-General should certify that the decision to withdraw from the jurisdiction of the Tribunal was taken by the same organ which took the decision to recognize the Tribunal's jurisdiction or the organ of the organization currently competent to take such a decision.

The Notification to the Director-General should contain:

- (a) information on prior consultations with the staff representative bodies of the organization concerned regarding withdrawal; and
- (b) an express commitment to execute fully and faithfully all judgments rendered by the Tribunal in respect of complaints filed against the organization concerned prior to the effective date of its withdrawal, or in respect of applications for review, interpretation or execution of those judgments, and to pay all corresponding costs.

4. At its next session following the withdrawal notification to the Director-General, the Governing Body shall, after consultation with the Tribunal, take note of the withdrawal. The Governing Body shall confirm that the date it has taken note of the decision to withdraw or any later date as may be communicated in writing to the Director-General by the organization concerned, is the effective date of withdrawal. The organization concerned shall on the effective date cease to be subject to the jurisdiction of the Tribunal. For avoidance of doubt, no complaint filed against the organization concerned shall be entertained by the Tribunal from the effective date of withdrawal.

1077. The use of the word "should" in paragraph 3 of the draft amendment to the Annex to the Statute was particularly important; it was the understanding of the Governing Body that the requested information would be provided on a voluntary basis, not as a binding requirement. He requested the Office to confirm that understanding.

1078. Subparagraph 3(a) of the Annex to the Statute had been removed from the draft amendment because it lacked the support of the Governments. New subparagraph 3(a) had been included with a view to ensuring that staff regulations or regulations governing the relationship between staff unions and organizations were not contravened. Subparagraph 3(b) had been retained as it was not his group's intention to alter the responsibilities of agencies and organizations.

1079. *The Worker spokesperson*, noting that the ILO Administrative Tribunal was a body of high standing and acted as the highest court for many parts of the United Nations system, queried the appropriateness of the proposal to amend the draft decision by replacing original subparagraph (b) with new subparagraph (b), which would lead to a review of the Tribunal led by a part of the system that was subject to its rulings on disputes. New subparagraph (b) should not be adopted and the review should be avoided altogether. Should the Governing

Body insist on proceeding with such a review, the reference to “reasons for departures and opportunities for improvement” in new subparagraph (b) should be deleted and the words “in full respect of the independence of the ILO Administrative Tribunal and its jurisprudence” introduced, in order to put the independence of the Tribunal beyond doubt. Her group was unable to proceed in any direction on new subparagraph (b) without the inclusion of that safeguard.

- 1080.** With regard to the draft amendment to the Annex to the Statute, she welcomed the reintroduction in paragraph 3 of a reference to prior consultations with staff, but queried the comment by the representative of the United States that the information requested in that paragraph would be provided on a voluntary basis; if provision of the information was voluntary, it was unclear why subparagraph (a) should be deleted. Although she did not welcome the other proposed amendments to the Annex, her group could accept them.
- 1081.** *The Employer spokesperson* expressed support for the comments by the Workers’ group in relation to new subparagraph (b) of the draft decision. With respect to the Annex, the letter of withdrawal addressed to the ILO Director-General should include the reasons for withdrawal, since that information would be publicly available at that point in time.
- 1082.** *Speaking on behalf of ASPAG*, a Government representative of China expressed support for the amendment to the draft decision submitted by the representative of India concerning the renewal of the terms of judges and geographical balance.
- 1083.** *Speaking on behalf of GRULAC*, a Government representative of Brazil emphasized that the availability of texts in all official languages facilitated discussion and understanding. It was important to honour the multilingual nature of the Governing Body as part of a multilateral organization and to ensure that it did not become practice to discuss amendments available only in one language.
- 1084.** With regard to the requirement for notice of withdrawal, the Office had provided assurances the previous day that the use in paragraph 3 of the Annex to the Statute of the word “should” to introduce the list of requested information would mean that there was no obstacle to the Governing Body taking note of a withdrawal notice; indeed, it would be required to do so, irrespective of whether the required information was included. There appeared to be no legal point to requiring, by the introduction of the word “should”, the provision of information that would have no legal consequences for the Governing Body. Therefore, it would be more appropriate to replace the word “should” with “may”, in order to ensure that withdrawal from the Tribunal was not impeded by the failure to include specific information in the withdrawal notice. The legal understanding of the Governing Body on that matter should be clarified. He would be open to accepting the text proposed by IMEC and the Africa group, if a good explanation for the proposals was provided.
- 1085.** Speaking in a national capacity, he said that he wished to avoid a potential situation in which the Governing Body was required to discuss whether a withdrawal notice contained the listed requirements, such as the proposed “express commitment” to applying judgments rendered and paying appropriate costs.
- 1086.** *The Chairperson* sought clarification as to who had been consulted informally on the amendments proposed by IMEC.
- 1087.** *Speaking on behalf of IMEC*, a Government representative of the United States clarified that IMEC had discussed the proposed amendments with GRULAC and the Africa group, and had then spoken to the social partners.

- 1088.** *Speaking on behalf of the Africa group*, a Government representative of Uganda noted that while the current Statute did not provide a procedure for withdrawal from the Tribunal, in practice organizations were able to withdraw and some had done so. Setting out a procedure, as per the proposed amendment, would provide certainty and codify established practice. With respect to allowing the Office, which itself was under the jurisdiction of the Tribunal, to commission a review of that body, he noted that in the national context, parliamentarians were subject to the justice system even though they were the lawmakers. The expectation was that those involved in the review or in the work of the Tribunal were reasonable people who would act fairly. A number of things had been said about the Tribunal that were not correct; a review would present an opportunity to put that right and demonstrate transparency and the positive aspects of the Tribunal. Evaluation, which was a standard management activity, would not interfere in the independence or jurisprudence of the Tribunal, since its independence and jurisdiction were set out in its Statute.
- 1089.** Organizations that had not been asked to provide information on their reasons for applying to join the Tribunal could not be asked to provide their reasons for leaving it. Furthermore, the reasons provided would not inform the Governing Body's decision to take note of a withdrawal from the Tribunal, so the information would serve no purpose. With respect to the issue of prior consultations with staff representative bodies, however, the Tribunal became a part of organizations' dispute settlement mechanisms; the ILO, as a standard-setting body that had issued standards on consultation with workers, should ask that staff consultation be taken into account. It was a matter of good faith to consult workers and, also, to execute fully and faithfully all judgments. The words "express commitment to execute" should pose no problems, since any organization under the jurisdiction of the Tribunal had already undertaken to do so.
- 1090.** *Speaking on behalf of IMEC*, a Government representative of the United States welcomed the comments by GRULAC and the Africa group. A review would be the appropriate procedure to consider questions about the functioning of the Tribunal and would not set a precedent. Reviews of similar legal instances within the United Nations system had taken place in the past. The independence of the review would be critical; a number of external bodies could carry out that work.
- 1091.** With regard to the Annex to the Statute, subparagraph 3(a) should be deleted, even though giving reasons for withdrawal was voluntary, since no other international court or tribunal made such requests and it would put too much pressure on the organization concerned. There should be no undue interference in an organization's free choice to enter or leave the jurisdiction of the Tribunal. He supported the proposal by GRULAC to replace "should" with "may" in the introduction to paragraph 3. Turning again to the draft decision, he agreed to the sub-amendments proposed by the Workers' group to new subparagraph (b).
- 1092.** *Speaking on behalf of GRULAC*, a Government representative of Brazil repeated his query about the use of the word "should" in the proposed text of the Annex to the Statute. It would be useful to hear the opinion of the Legal Adviser on the matter, to ensure that the word was not a disguised "shall"; all the more so in view of the comments of the Africa group on good faith, since an organization that withdrew without providing the required information could be deemed not to be acting in the good faith needed for the Governing Body to take note of the withdrawal. He invited the Governing Body to reflect on whether to consider the issue at its October–November session, rather than take a decision in haste.
- 1093.** *The Worker spokesperson* said that it was too early for a decision. Withdrawal from the Tribunal's jurisdiction would affect an organization's staff and would therefore require prior consultation. Reviewing the organization's reason for withdrawal would be on a voluntary basis. Replacing the word "should" with "may" in paragraph 3 of the Annex to the Statute sounded contradictory, as the communication to the Director-General would contain an

“express commitment” to execute all judgments. With regard to the matter of good faith, it would not be realistic to govern issues on good faith alone. It would be logical to require reasons for withdrawal, which could also be helpful in identifying how the Tribunal could improve on its own initiative, without interference. Her group required time for consultation with the Employers’ group on the draft decision. She suggested adding the words “to the extent possible” to the beginning of paragraph 3(a) of the Annex to the Statute contained in the draft Conference resolution.

- 1094.** *A Government representative of Uganda* said that his Government would support the proposed amendment by the United States as it would respond to the concerns of the Workers’ group regarding jurisdiction.
- 1095.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia recalled that the Legal Adviser had provided an explanation on the term of office of judges; however, there was no specific written rule determining its limits. Attention should be given to the proposed amendment by IMEC, which his group supported.
- 1096.** *A Government representative of the United States*, considering the proposal made by India to give attention to geographical and gender aspects, proposed that the words “the geographical distribution and gender balance of the Tribunal’s judges” could be added to new subparagraph 27(b), as sub-amended by the Workers, after the word “jurisprudence”. Regarding the social partners’ request to have organizations state the reasons for their withdrawal, he proposed that the point on the provision of reasons in the Annex to the Statute could be moved to the draft decision, constituting a new subparagraph (c), to the effect that the Governing Body “encourages organizations that may withdraw from the Tribunal’s jurisdiction to provide the Director-General with an explanation of the reasons for withdrawal, so that the Tribunal and Governing Body can better understand the factors prompting them to leave”. Such a proposal could bridge the gap and form the basis of an agreement.
- 1097.** *The Employer spokesperson* said that organizations wishing to withdraw were simply asked to provide written notification and the reasons for their withdrawal to their governing body. The Governing Body of the ILO would simply take note of their withdrawal, not evaluate the reasons. More time was required to reach consensus.
- 1098.** *Speaking on behalf of GRULAC*, a Government representative of Brazil said that the Governing Body should defer consideration of the amendment to allow the United States to redraft the proposal.
- 1099.** *The Worker spokesperson* said that the Governing Body had been able to resolve complex issues without postponing the discussions. The outstanding issues could be resolved with a clear understanding of what needed to be settled. Regarding the proposed draft decision by the United States, the phrase regarding geographical distribution and gender balance could be reinserted as a separate sentence in subparagraph (b) or as a new subparagraph. She requested the Governing Body to consider her group’s proposal before deferring the discussion. Reaching a decision would be the best way forward as it had already been postponed.
- 1100.** *A Government representative of Uganda* agreed with GRULAC’s proposal to postpone the discussion of the matter in light of the issues that had been raised by India and ASPAG.
- 1101.** *A Government representative of Ethiopia*, in light of his earlier point relating to an amendment concerning the judges, said that issues concerning geographical representation, gender and the term of office of the judges needed to be considered.

- 1102.** *The Employer spokesperson* said that his group supported both amendments to the draft decision proposed by the Workers' group.
- 1103.** *A representative of the World Health Organization (WHO)* said that despite the efforts of the ILO Office of the Legal Adviser with respect to consultations, insufficient coverage had been given to the positions of the member organizations of the Tribunal. The request in the proposed subparagraph 27(c) to conduct an independent review of the Tribunal would be good practice and in the interests of member organizations, workers, staff members and the Tribunal itself.
- 1104.** The purpose of the Statute of the Tribunal was to regulate the functioning of the Tribunal and it was not an appropriate tool to regulate the termination of an agreement between two international organizations. The WHO, which had accepted the jurisdiction of the Tribunal in 1949, would not accept a deviation from the conditions of withdrawal that were applicable at the time that it had joined. During the consultations, the WHO had proposed that guidance on an orderly withdrawal should be provided through a separate note that was outside the Statute.
- 1105.** Without prejudice to its stated position, the WHO had the following comments on the amendments proposed: it objected to the reference to a "spirit of good faith and transparency" in new paragraph 3 of the Annex to the Statute, since to include such a reference would imply that there would be circumstances in which that would not be the case. The change from the use of "shall" to "should" in paragraph 3 was welcomed. The WHO was reassured by the views expressed by some in the room that there was no wish to impose conditions on a withdrawal and that the notice given by an organization would not be assessed to determine whether the reasons given were good enough. The WHO also supported the proposal by GRULAC to change the phrase "shall address" in paragraph 3 to "may address"; alternatively, the organization concerned could be invited to provide the information. In accordance with its own internal rules and regulations, the WHO was required to consult with its staff, but that would be a matter for the WHO and its own governing body and it would be difficult to accept that the governing body of another organization should decide on matters that were internal to the WHO. The wording in paragraphs 3(b) and 4 was unclear and could lead to different interpretations; it would be preferable to retain the wording originally proposed by the Office or to retain paragraph 3(b) only. Given the number of objections raised, the WHO urged the Governing Body not to take a decision on the text during the present meeting.
- 1106.** *A representative of WIPO* said that WIPO appreciated the efforts made to find a way forward but continued to have concerns about the amendments to the Statute and therefore reserved its position in relation to them. The amendments raised fundamental legal issues that were at the heart of an agency's independence and sovereignty. Article XI of the Statute did indeed provide that "the Statute may be amended ... by the International Labour Conference, or such other organ of the International Labour Organization as the Conference may determine", however, that provision could not be interpreted so broadly as to impact on the freedom of a member organization's own governing body to take binding decisions. WIPO had concerns about placing conditions on a withdrawal from the Tribunal's jurisdiction, such as its timing, that were not in existence when an organization had decided to join. On the issue of codification, the amendments did not amount to a codification of jurisprudence and the practice on withdrawals: Judgment 1043 cited in paragraph 17 did not refer to the need to state reasons for a withdrawal and the limited number of recent withdrawals did not give rise to a "practice", especially if the organization in question did not provide the information requested.
- 1107.** *A representative of the Director-General (Deputy Director-General for Management and Reform)* recalled that the Governing Body was discussing the matter for the second time in

two days and that it had been informed of the consultations with other agencies that had taken place some weeks prior to the current session of the Governing Body. Regardless of whether the Governing Body decided to proceed with a decision on the item during the present meeting, some issues raised the previous day required clarification: whether included in the draft resolution or recorded in the minutes of the meeting, it would be important for the discussion concerning the functioning of the Tribunal to include matters of gender, geographical distribution and the number of terms served by judges. He recalled that any decision to be taken by the Governing Body would also include the draft resolution. Subject to the advice of the ILO Legal Adviser, the use of the word “should” in paragraph 3 of the Annex to the Statute did not create a legal obligation, but it was certainly a strong moral encouragement. Proposed wording in the Annex with respect to the receipt of complaints after an organization had withdrawn could be redrafted as: “for the avoidance of doubt, no complaint filed after the effective date of withdrawal against the organization concerned shall be entertained by the Tribunal”.

- 1108.** *A representative of the Director-General* (Legal Adviser) recalled that the Office had drafted and circulated to the legal advisers of other organizations three position papers during the months in which the consultations had taken place in order to dispel misunderstandings with respect to the intention behind the proposed amendments to the Statute. The amendments had been drafted at the request of the Governing Body to set out an orderly procedure for departure following a letter received from the President of the Tribunal which had expressed the strong feeling that at least three withdrawals of member organizations had been prompted by dissatisfaction with unfavourable judgments. The proposed amendments did not intend to create a new legal situation but rather to codify existing practice and also reflect the Tribunal’s unambiguous case law in this matter. It had never been the intention of the Office to impose an obligation to submit documented evidence, such as records of proceedings of consultative bodies, failing which the Governing Body might delay or otherwise block the process. As placed on record a number of times by the Deputy Director-General for Management and Reform, there was no intention that information requested of an organization that had chosen to withdraw should be provided as a matter of legal obligation and the use of the word “should” did not convey a legal obligation. The word “should” – as opposed to “shall” – was extensively used in standard-setting to differentiate non-binding recommendations from binding Conventions. It was therefore clear that the term “should” in paragraph 3 of the Annex could not be deemed to refer to a binding obligation. With reference to the question raised by the Government representative of India, information would be provided on the number of terms served by judges.

At the suggestion of the Chairperson, the meeting was suspended for ten minutes.

- 1109.** *The Chairperson* proposed that, since it had not been possible to reach an agreement on the proposed amendments to the Statute of the Tribunal, the Office should be requested to take note of the substance of the discussions held in the Governing Body and of the proposed amendments. The matter would be referred to the screening group for deliberation and clarification and then to the following session of the Governing Body for further consideration.
- 1110.** *The Employer spokesperson* supported the proposal by the Chairperson.
- 1111.** *The Worker spokesperson* said that her group had worked with commitment to find a solution.
- 1112.** *Government representatives of Romania and Bulgaria* also supported the proposal.
- 1113.** *The Chairperson* said that she took it that the Governing Body had decided to refer the matter to the following session of the Governing Body.

Decision

1114. *The Governing Body decided to defer consideration of this item to its 337th Session (October–November 2019) and requested the Office to take into account the guidance provided during the discussion in the preparation of the document that would be submitted for its consideration.*

(GB.335/PFA/12/1, paragraph 27, as amended by the Governing Body)

Composition of the Tribunal

([GB.335/PFA/12/2](#))

- 1115.** *The Worker spokesperson and the Employer spokesperson supported the draft decision.*
- 1116.** *A Government representative of Brazil said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He supported the previous comments of the Government representative of India on the need for the Statute of the Tribunal to achieve balance in the geographical representation and gender of judges. Since four of the seven current judges came from one region, it was important to consider a more balanced geographical distribution in order to strengthen the legitimacy of the Tribunal. He supported the draft decision.*
- 1117.** *Speaking on behalf of the Africa group, a Government representative of Ethiopia said that the unbalanced geographical distribution and gender composition of judges of the Tribunal was also of concern to his group. He sought clarification from the Office on how many terms the current judges had served on the Tribunal, and on whether there were rules governing the renewal of terms of office. He agreed that the provisions of the Statute concerning the appointment of judges should be reviewed at the next session of the Governing Body. Clear rules on the appointment of judges and renewal of their terms would address the aforementioned issues and bring greater transparency to the system.*
- 1118.** *A representative of the Director-General (Legal Adviser) said that there was no specified limit to the number of terms of office that judges could serve on the ILO Administrative Tribunal. There was, however, an understanding among the judges that they would not accept the renewal of their term of office beyond the age of 75. With regard to geographical distribution, the only statutory requirement was that all judges must be of different nationalities. In practice, other factors, such as ensuring a balance of different legal systems, regional distribution and linguistic abilities in line with the Tribunal's caseload and working languages, also shaped the composition of the Tribunal. Furthermore, the Tribunal had had judges from all regions over the years, as shown in a recent publication available on the Tribunal's website. He would revert with information on the number of terms the current judges had served on the Tribunal.*
- 1119.** *A Government representative of India said that the information provided by the Office validated the need for clarity in the Statute. That would ensure that the Statute was interpreted correctly, and that there was proper geographical representation in the Tribunal. She reiterated the request for the Governing Body to consider a draft amendment to article III, as systemic reform in the ILO Centenary year would be for the benefit of the Organization and all constituents.*
- 1120.** *Speaking on behalf of the Africa group, the Government representative of Ethiopia said that, in the light of the information provided by the Office, his group required more time to decide*

on the draft decision, as it was linked to the ongoing discussion on proposed amendments to the Statute.

1121. *The Chairperson* said that the matter at hand concerned the renewal of the term of office of one of the Tribunal's judges, and did not depend on any proposed amendments to the Statute.

Decision

1122. *The Governing Body proposed to the Conference the renewal of the term of office of Mr Frydman (France) for three years 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 appointment of Mr Patrick Frydman (France) for a term of three years.

(GB.335/PFA/12/2, paragraph 4)

Thirteenth item on the agenda

Update on developments related to the International Civil Service Commission (ICSC) review of its consultative process and working arrangements as well as of the reform of the post adjustment methodology ([GB.335/PFA/13](#))

1123. *The Employer spokesperson* said that the Employers still considered that the pay cut was unlawful and should not have been implemented, as the methodology used by the ICSC included some 64 factual errors. Moreover, the pay cut went against the values and the principles of the ILO. While he appreciated the complexity of the work being undertaken by the Office, it seemed that little had been achieved. It should be taking an active, rather than reactive, approach in its engagement and interaction with the ICSC and pushing for methodologies to be reformed. He considered the draft decision to be unambitious and inconsistent with the decisions adopted at the 332nd and 334th Sessions of the Governing Body. Language about methodology reform and the active management of the Office must be reintroduced. He emphasized that the Office should not redeploy the resources saved as a result of the pay cut while the decision of the ILO Administrative Tribunal was still pending.
1124. He drew the attention of the Governing Body to document GB.335/PFA/INF/4, which highlighted the possible negative consequences of not respecting the ICSC recommendations. The authority and integrity of the common system should be respected and safeguarded. However, it was important that the system was transparent and predictable in its recommendations. It was also vital that the ICSC was independent and impartial. The ongoing process of reform must include a reform of the post adjustment and other salary survey methodologies. The ILO had a unique tripartite structure and mandate and should therefore participate in decision-making and lead change within the common system based on its values and integrity.

- 1125.** He proposed that the draft decision should read: “The Governing Body took note of the information presented in document GB.335/PFA/13 and requested the Director-General to continue to actively engage with the ICSC with the objective of reforming the post adjustment and other salary survey methodologies, and in the comprehensive review of the consultative process and working arrangements of the ICSC.”
- 1126.** *The Worker spokesperson*, expressing concern that some of the appeal procedures were still pending, said that the strong and continued engagement of the Office would be key to the process of reform of the ICSC. In particular, for the October–November 2019 session of the Governing Body, a report would be required on three issues, the first of which concerned the outcomes of the 41st session of the Advisory Committee on Post Adjustment Questions. It was hoped that the Office would be in a position to influence the technical work of the ICSC secretariat by sharing its statistical expertise and experience, backed up by the support of senior management. Second, information was expected on the outcomes of the upcoming sessions of the ICSC. Third, the Workers’ group would want to hear about the outcomes of the forthcoming meeting of the contact group, which would continue the review of the ICSC consultative process and working arrangements, together with representatives of organizations and staff federations.
- 1127.** The process of reform of the ICSC was part of the overall process of the UN reform. The ILO must ensure that the UN reform included the strengthening of the system of labour relations that should be applied in line with key ILO Conventions, in particular the Conventions on collective bargaining and freedom of association.
- 1128.** In asking the Office to continue with efforts to engage in the process of reform with a proactive and leading role, the group supported the proposal put forward by the Employers’ group. However, while the proposal had taken up the language that was used before, certain wording had been omitted that was essential for the Workers’ group. Therefore, the end of the text should read: “ensuring the full involvement of the UN Workers’ Federations and respect for the basic principles of social dialogue in those processes”.
- 1129.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini urged the Office to use its influence to encourage all parties to adhere to the agreed meeting and reporting periods, in order that the final report could be submitted to the UN General Assembly in September 2019, as planned. Given that the Office had indicated that there were financial implications in the region of US\$7 million – excluding associated costs – related to the ICSC review and review of the post adjustment methodology, he asked why the present update indicated that there were no legal or financial implications. The Africa group supported the amendment proposed by the Employers’ group and the sub-amendment proposed by the Workers’ group.
- 1130.** *Speaking on behalf of IMEC*, a Government representative of the United States expressed support for the amendment proposed by the Employers’ group and the sub-amendment by the Workers’ group, in line with the decision made by the Governing Body in October–November 2018.
- 1131.** *A Government representative of the Russian Federation* noted that the agenda item was incorrectly worded, as reform of the post adjustment methodology was the sole preserve of the ICSC and the appropriate UN General Assembly resolution. The process that had begun was actually a review of the methodology, aimed at further improving specific elements of it. Noting the active involvement of the ILO in the work of the ICSC, he said that cooperation among all interested parties should take place in full compliance with the ICSC statutes.

Decision

1132. *The Governing Body took note of the information contained in document GB.335/PFA/13 and requested the Director-General to continue to actively engage with the International Civil Service Commission (ICSC) with the objective of reforming the post adjustment and other salary survey methodologies, and in the comprehensive review of the consultative process and working arrangements of the ICSC, ensuring the full involvement of the United Nations workers' federations and respect for the basic principles of social dialogue in those processes.*

(GB.335/PFA/13, paragraph 6, as amended by the Governing Body)

Fourteenth item on the agenda

Other personnel questions

1133. There was no document under this agenda item.

Appendix I

Director-General's introduction of the Programme and Budget proposals for 2020–21

(335th Session – 18 March 2019)

Every two years at this March session of the Governing Body it falls to the Director-General to present proposals for the programme and budget for the following biennium, and to the Governing Body to recommend a draft programme and budget for adoption by the International Labour Conference in June.

Accordingly, and for the fourth time under my mandate, I am pleased to submit Programme and Budget proposals for the ILO's work in 2020–21 which you now have before you.

We will all be aware that, on this occasion, and by decision of the Governing Body, the usual procedure for adoption of the programme and budget has been modified. You have taken the view that the programme for the next biennium must take fully into account the outcome of the Centenary Future of Work Initiative. As this will only be known after the June Conference, it has been agreed that the substantive programme content which is usually discussed at this session will be decided upon by the Governing Body in November.

Nevertheless, the financial regulations require that budget estimates must be adopted by the Conference in June, and a draft is contained in the proposals before you. I take the opportunity to commend it to you for your approval.

Let me add that the appropriation decision that would be taken by the Conference under this modified procedure would not authorize the Director-General to incur expenditure on policy items. The regulations clearly require Governing Body approval where specification of the precise purpose of appropriation is pending. This is the business we will be coming back to in November.

It is useful, I believe, for me to draw the attention of the Governing Body to three distinct contextual factors that should and will impact in an important way the content and implementation of the programme and budget for the next biennium.

The first, clearly, is the ILO Centenary. I have seen, as our Future of Work Initiative has taken hold, and engaged our tripartite constituents in a quite remarkable way, that there is real political appetite among you, particularly evident since the publication in January of the report of the Global Commission, to grasp this unique opportunity to rethink and rework the substantive work programme of our Organization so that we really do pursue the ambitions and priorities that we identify as key to the future of work. This is not simply a binary choice between continuity and disruption. But it does mean that we will have, at the right moment, to calibrate just what level of change we want to aim at. This is a point I have emphasized in the introduction to my proposals, where I also point out that, without preempting or prejudicing decisions we will need to take in November, preliminary thoughts you may have in this regard would certainly be of value to the Office in our continuing programme preparations.

Secondly, let us remember that the programme and budget you are now considering will cover the last two years of the ILO Strategic Plan 2018–21, and that it therefore needs to incorporate the six objectives of that plan, namely: enhanced capacities to respond to constituents' needs; increased capacities to meet the needs of the most vulnerable and disadvantaged; a sustained and reinforced normative function; strengthened knowledge leadership; a leading role in delivering the United Nations 2030 Agenda for Sustainable Development; and enhanced organizational effectiveness and efficiency. I would recall also that the Strategic Plan provides too for the retention of the four cross-cutting policy drivers

in the current programme: international labour standards; social dialogue and tripartism; gender equality and non-discrimination; and just transition to environmental sustainability.

Thirdly, while it relates more directly to programme implementation than programme design, the backdrop to what we are now considering is ongoing United Nations reform. We have other opportunities at this session to discuss all of the implications of such reform. But the fact that the ILO has already been an early mover in aligning its programme to delivery of the 2030 Agenda which has decent work at its heart, and that delivering that Agenda is equally the underlying logic of United Nations reform means that the ILO, with the continuing hard work we are putting in, is well placed to extract the fullest benefits of the reform process.

Let me turn now to those of my proposals which aim to strengthen further the ILO's results-based management system, primarily through a new results framework anchored in an explicit "theory of change". These proposals are a direct response to the instructions addressed to the Office, for example in the 2016 Conference resolution (on Advancing Social Justice through Decent Work), and to recommendations such as those of the Multilateral Organisation Performance Assessment Network (MOPAN). The objective, as the Conference resolution says, is to enable the ILO to demonstrate to you, our constituents, "how its work has contributed to the realization of the four strategic objectives".

This process can only be finalized in November when we will be in a position to develop the full set of targets and indicators in the light of programme priorities established then. But the opportunity now is to reach agreement on the broad parameters of a framework which would identify much better how what we do contributes to the advancement of the ILO's strategic objectives. Doing this would have important implications for the way we operate, and they are set out at the end of chapter 2 of my proposals. Moreover, in line with the Office's continuing commitment to strengthening its results-based management, it would contribute substantially to the optimal discharge of our duty of accountability to our constituents. These are responsibilities that my colleagues and I take very seriously.

Since the beginning of my mandate, the Office has been relentless in its pursuit of efficiency gains to allow redeployment of resources to frontline technical work and services to constituents. The sum total of such redeployment to date is US\$58 million, with an additional US\$8.5 million proposed now. This redeployment includes internal restructuring and reprofiling of positions and transfers of resources away from support and management services. That has enabled an increase of the equivalent of 74 full-time employment positions to deliver frontline technical work. With the same level of resources at our disposal, we are doing more, doing it to a higher level of quality, and doing it more efficiently and subject to more rigorous scrutiny.

Let me stress that I intend to press forward with these efforts in the manner described in my proposals, including the continuing Business Process Review, underpinned by sound governance, oversight, risk management, and human resource development. These are areas in which the Office will take no shortcuts nor seek false economies.

As I address the proposed level of the budget for the next biennium, let me briefly remind the Governing Body of the long-term trajectory of that budget. The real level of the ILO's budget today is 14 per cent lower than it was 40 years ago, and 5 per cent lower than it was 20 years ago. Within this context of declining resources, we have nevertheless been able, under your direction, to respond to your increased demands for services and reinforced governance to meet best practice. On substantive policy matters, the ILO has been in a position to invest in areas which have come on to, or moved up, the list of policy priorities you have set: the green economy, informality, migration and rural work, for example. At the same time we have established an evaluation function, ethics officer and mediator posts, and an independent oversight committee; we have adopted International Public Sector Accounting Standards, annual audits and formal enterprise risk management, and we have absorbed our share of the costs of the strengthened United Nations resident coordinator system and United Nations Department of Safety and Security expansion; we have increased

spending for internal audit and investigation, and enhanced our IT and communications environment.

There is a record of effort and achievement here, and of genuine responsiveness to the demands and expectations that you, our members, understandably address to us. We understand our responsibilities to you and we will continue to strive to discharge them to your satisfaction.

It is against this background, and fully conscious of the realities of the constraints on public finance in our member States, that I propose to this Governing Body a number of institutional investments and extraordinary expenditure items which imply a departure from the long-term trajectory of zero real growth or reduced budgets. These investments are not designed to expand substantive programmes in any arbitrary or capricious manner but rather to meet pressing organizational needs which, if unattended, would specifically damage vital ILO operational capacities. They are in five areas.

Firstly, the United Nations resident coordinator system. We have had difficult discussions already on this issue. The General Assembly last year decided that our contributions to the system, which since 2014 have been absorbed in the ILO's regular budget, should be doubled. The amount due for 2020–21 is US\$4.6 million which I propose should be met through an increase in the budget and not through cuts in programmes which would appear to be the only realistic alternative.

Secondly, with the physical evidence around us of the final stages of the first phase of the renovation of this building at a cost of more than CHF200 million, financed entirely from ILO funds notably through the sale of land, it seems clear that we must now act upon the decision taken in 2011 by this Governing Body to implement fully the long-term strategy to finance future periodic refurbishment and renovation of ILO properties worldwide. We, or rather our successors, will not have the option of the sale of assets. I am therefore proposing that funding of the ILO reserve for this purpose be increased to the already agreed rate through an investment of US\$3.8 million in the coming biennium.

Thirdly, it has been determined by the competent United Nations services that measures need to be taken to align access to and security of the ILO premises in Geneva to United Nations standards. We have worked with the host Government to specify a project to this end, and it is detailed in separate documents before this Governing Body, GB.335/PFA/3 and GB.335/PFA/3(Add.). The proposed phased approach to its implementation with support from the host Government requires an investment by the ILO of US\$10 million in the next biennium.

Fourthly, despite the significant efforts that have been made to invest in our IT systems, largely by use of fortuitous budgetary surpluses and unanticipated savings, the ILO does not have the capacity to meet the continuing need for growing investment in this area, to meet demands for improved access to data, enhanced knowledge sharing, assuring cyber-security risks, and meeting new standards arising from the rapid evolution in technologies. In 2017, the Governing Body endorsed an IT strategy and the proposal before you for an investment of US\$12.2 million will partially fund its objectives.

Fifthly, and finally, the proposal to increase the provision in Part II of the budget for unforeseen expenditure by US\$1.125 million is a straightforward and appropriate response to the reality that additional expenditure mandated by Governing Body decisions has regularly exceeded US\$2 million in recent biennia. It seems to be a matter of good management to ensure that adequate provision is made accordingly.

The aggregated institutional investments proposed come to US\$31.7 million. I repeat they are not presented lightly or without proper preparation and reflection. Rather, they are the necessary consequence of the reality that without the right infrastructure and institutional capacities the ILO's continued capacity to deliver cannot be sustained.

In the same vein, the Office has carefully reviewed, as it always does, the prospects for the evolution of costs over the next biennium on the basis of best available information. In the past two biennia, the budgets adopted included cost decreases, so that the nominal level of the budget actually fell. But this time the situation is less benign and moderate inflation has returned and is forecast to continue. For this reason, a cost increase of 1 per cent or US\$8 million in nominal terms for the two years of the budget period is incorporated in the proposals before you.

Let me conclude by noting that, contrary to normal practice, and precisely because our modified procedures do not allow for the definition of substantive programme priorities at this juncture, no estimates of extrabudgetary or Regular Budget Supplementary Account contributions have been advanced in my proposals. However, the Governing Body may wish to keep in mind that should voluntary donors continue to support ILO work at the average level of the past six years, this would be in the amount of US\$248 million per annum.

With this introduction, I submit my programme and budget proposals for the consideration of the Governing Body and commend them for final adoption by the Centenary International Labour Conference in June.

Appendix II

The Director-General's response to the issues raised by Governing Body members during the discussion of the Programme and Budget proposals for 2020–21 (335th Session – 25 March 2019)

For the first time in the period I have served as Director-General, it is my task to reply to the debate that took place last week on my Programme and Budget proposals for 2020–21, by presenting to you, as I do now, a revision to the real level of those proposals.

It is worth recalling at the outset that on the previous three occasions that it engaged in this exercise, the Governing Body was in a position to adopt the original proposals without any revision to the level of the budget, which was consistently set at the level of zero real growth.

This experience demonstrates two things.

The first is that the Office has consistently shown realism and restraint in the programme and budget proposals it has made. It has shown real consideration for the financial circumstances of its member States, has not made any attempt to seek increases in the volume of programme activities by simply asking them for a greater financial effort, and has understood that if it wants to do more for its constituents – and we do – then it must be through funding generated by efficiency savings and the mobilization of extrabudgetary resources. And this, of course, goes hand in hand with our duty and commitment to give more value for money – to use the resources that you put at our disposal to the very best effect.

The second is that the departure from the practice of the last six years, with the inclusion of a series of institutional investments that would mean an increase in the real budget, is not the result of any abandonment of this approach of budgetary rigour, nor of any random initiative in the face of admittedly growing demands – and opportunities – facing the Organization. Rather, it is a considered and rational response to circumstances facing the Organization and which demand of it, unavoidably, a number of actions which are required to sustain its operational capacities at a prudent and acceptable level.

These were the issues which stood at the heart of our debate last week, and we listened with great attention to what you had to say to us. As a consequence, I will focus my reply on the five areas of institutional investment that I originally proposed – totalling US\$31.7 million – and how they may be adjusted now in the light of careful consideration of your comments with a view to finding consensus on a programme and budget which this Governing Body can recommend to the Centenary Conference in June.

Before turning to those matters, let us also remember that the modified procedure for the adoption of the programme and budget means that it will still remain for decisions to be made on substantive programme content next November in the light of the outcome of the Future of Work Centenary Initiative agreed at the Conference. In the programme and budget debate last week you gave us some guidance in that regard, including on the extent and balance of continuity and change to be expected, while discussion on several other items on our agenda foreshadowed, without prejudging, a number of specific issues which we will no doubt return to in November. We have been able to respect fully our obligations under the Financial Regulations while addressing the questions before us in a coherent and meaningful way; which is to say that we have made this modified procedure work as intended.

This said, a considerable amount of work remains before us from here until November and it will need to be accomplished under great pressure of time. Close consultation with

constituents will be a key to its successful completion and I want to assure the Governing Body that the Office is fully committed to it.

That applies equally to the full elaboration of the improved results framework which the Governing Body has expressed support for and offered important guidance on. You have stressed the need for a full and balanced approach to the ILO's four strategic objectives, the importance of integrating the ILO's contribution to delivering the 2030 Agenda for Sustainable Development, and alignment with the ILO's Strategic Plan for 2018–21 and the 2008 ILO Declaration on Social Justice for a Fair Globalization. My colleagues will initiate consultations with constituents as soon as possible after this Governing Body session, with a view to publication of a final draft of a new results framework in September.

Let me then turn to the question of institutional investments that were contained in my original proposals. Last Monday I said in my presentation that these investments were required, "to meet pressing organizational needs which, if unattended, would significantly damage vital operational capacities". I have to reiterate that reality at the same time as I must acknowledge the difficulties expressed by many Governments in assuming the financial burden of these investments as put to them. My clear reading of our debates was that while the need for investments in the five areas concerned was well understood, there was a strong body of opinion that these investments should be stripped back to their minimum essentials and where possible made over a longer period of time, and that the Office needed to revisit the means of their financing, with a particular view to an increased effort by it to reprioritize spending within existing regular budget levels.

It is on this basis that I now present the following adjustments to the proposed institutional investments. They are reflected in a document which will be made available to you along with the text of this statement in the official languages, immediately after the conclusion of my remarks.

For clarity I will take each area of investment individually.

The first area of investment is in respect of the Building and Accommodation Fund where an increase of US\$3.8 million was proposed in order to meet the terms of the strategy agreed by the Governing Body in 2011 to make an annual provision of 1 per cent of the insurance value of the ILO-owned buildings for their future refurbishment and renovation. While this provision is in line with industry best practice I am constrained to propose that the increase originally proposed be halved. That means that instead of moving to the 1 per cent target from the current level of approximately 0.5 per cent we would arrive at some 0.75 per cent. By so doing, the originally proposed institutional investment would be reduced by US\$1,885,000.

The second area is information technology where I had proposed an investment of US\$12.2 million, all of which, I would stress, would serve to finance the Information Technology Strategy 2018–21, which the Governing Body agreed in 2017. You have told us to prioritize further the expenditures proposed and we have done so, so that what is left corresponds only to the most critical needs of the next biennium.

Concretely, I now propose to postpone investment in the items on electronic records management, and on mobile device management, which are set out in detail in paragraphs 174–179 right at the end of the programme and budget proposals. Additionally, I now propose to defer replacement of the ILO intranet. Taken together, this would represent a reduction of US\$5.3 million in the originally proposed investment. But the Governing Body should be aware that it also represents a clear constraint on the operational efficiency of the Office; we will have to maintain paper-based storage; knowledge sharing will be hindered; staff remote access to ILO systems will be limited; intranet software will be unsupported by the end of the biennium, multiple formats of intranet will persist and delivery of the Office communications plan will be jeopardized. Furthermore, some Business Process Review recommendations will not be able to be acted upon.

The third issue is security where an investment of US\$10 million was proposed in the coming biennium as the first phase of a US\$25 million programme to ensure full compliance with United Nations Minimum Operating Security Standards. Many of you, while recognizing the obligation to assure adequate security of staff, constituents and visitors, questioned whether some aspects of the proposed enhancement were required and whether expenditure at this level was absolutely necessary, and urged the Office to explore less costly options.

We have done that – and indeed the Governing Body has also begun a separate debate on these very matters in the context of the renovation of this building. The upshot is that there are essentially two options before us. Either the “two ring” approach, involving securing the full perimeter of the ILO’s grounds as well as the building itself, as I have proposed. Or the “one ring” approach, involving investment in securing only the building itself. There really are no sensible intermediary options.

In the light of your deliberations, I see no option but now to propose measures focused on the latter. That means we will not be able to meet fully United Nations standards for our – your – security. But improvements can be effected by an investment of US\$3.5 million plus funding from existing sources, as detailed in document GB.335/PFA/3, and the establishment of an access point for visitors located outside the main building.

There are two unfortunate side effects of this course of action. Firstly, abandonment of the comprehensive option would require a new round of negotiations with the host Government which had offered financial support for it to see what assistance might still be forthcoming from it. And secondly, if at a later stage we were in a position to implement a more comprehensive security solution, then the investment I am now putting to you would become largely redundant.

Fourth, I come to the unforeseen expenditure item where I had proposed an increased allocation to bring the programmed provision closer to the real levels of such expenditure in recent biennia. I now propose to leave the proposed allocation at its current level of US\$875,000 instead of the US\$2 million I had proposed. The fact is that, in all probability, this provision will be inadequate – unless of course the Governing Body exercises greater restraint than it has previously in the past. In any case, I do think it incumbent on us all to be much more rigorous than we have at the time of incurring new items of spending in identifying what the implications are for other areas of spending. There are no free lunches.

The overall budgetary consequences of these revisions are such that the real increase in the budget, including institutional investments, would be some US\$16.9 million as opposed to the US\$31.7 million originally presented – a reduction of some US\$14.8 million.

While the revisions are a genuine attempt to respond to what we believe the Governing Body would consider an acceptable budget level, they are above all the result of a strenuous effort to distinguish those investments that are absolutely essential to vital functions of the ILO and which must be maintained, and those which – while impacting significantly the life of our Organization – would not, by their absence, be life-threatening.

The subsequent question is how the remaining, essential, investments can be financed. Last week, I recalled the efforts made by the Office over past biennia to redeploy resources from backroom to frontline services and to invest in areas relevant to our current discussion, and I put it to the Governing Body that this reflected a significant record of effort and achievement; I reiterate that these efforts will continue. Your recognition of that record was accompanied by a renewed call on the Office to make further efforts at redeployment to meet in part the remaining, critical institutional investment needs.

To respond to that call, I now propose that of the remaining US\$16.9 million of investments, US\$4.6 million be met from within the existing level of the regular budget, corresponding to the sum needed to cover the specific increased costs of the United Nations Resident Coordinator system.

Governments have said clearly and firmly that, in line with decisions already taken in New York, they are not prepared to meet this expenditure through an increase in assessed contributions, and hence through any increase in the ILO's regular budget. I would recall that, in this house, decisions have already been taken whereby the ILO will assume its responsibilities in contributing to the system, and those decisions should not be revisited. By its nature, this item does not offer any option of being deferred or spread over a longer period of time. Accordingly, I now propose that this item of expenditure be financed within Part I of the regular budget, and the proposed institutional investment be eliminated.

This would involve:

- the use of US\$940,800 previously proposed for redeployment towards policy outcomes. Nevertheless, I maintain my proposed strengthening of the Internal Audit and Investigation function by some US\$370,000;
- a further reduction of some 1 per cent in the Management item of the Strategic Budget, in addition to the considerable savings already made there. My colleagues will be instructed to identify those further economies, amounting to US\$500,000, without impacting negatively essential oversight and accountability functions; and finally,
- a reduction of US\$3.1 million in the funding currently earmarked for policy outcomes, representing one half of 1 per cent of the total of that allocation. In line with the modified procedure we are applying, the exact content of this reduction will need to be decided in November.

In this context, I would additionally recall that reference was made last week to the possibility of applying equitable cost recovery to include extrabudgetary-funded activities so as to meet some of our investment costs. The Office is currently reviewing its practices in this respect so as to ensure that such activities do not constitute a financial liability on member States. This is a requirement of our Financial Regulations and any issue identified will be addressed to guarantee equitable cost sharing. Nevertheless, at this time we are not in a position to introduce this measure in our budget decision-making.

These revised proposals which reduce substantially, and to their critical minimum, the institutional investments to be made in 2020–21, and which include a further requirement on the Office to redeploy funds to cover a significant proportion of the costs of that investment, would reduce the real budget increase requested of Governments to US\$12.3 million, equivalent to 1.57 per cent.

I very much hope that the Governing Body will see in these revisions a satisfactory response to last week's debate and a basis for consensus on a draft programme and budget of US\$804.1 million to be recommended to the Centenary Session of the International Labour Conference for adoption.

Thank you.

Appendix III

Statement by the Chairperson of the Staff Union to the Programme, Financial and Administrative Section of the Governing Body (335th Session – 19 March 2019)

Madam Chairperson, whom I congratulate on her election,
Director-General,
Ladies and gentlemen, members of the Governing Body,
Dear colleagues.

It is my honour to deliver this address as President elect of the ILO Staff Union, representing almost 70 per cent of the ILO staff at headquarters and in the field.

I must, however, begin by sharing the pain felt by the staff of several other United Nations organizations who lost 21 of their colleagues in the tragic air crash that occurred in Ethiopia on 10 March. Whenever a member of our staff passes away, every one of us in the United Nations family feels distraught.

At a time such as this, it might seem futile, even inappropriate, to speak of other matters, but such is the duty that I must nevertheless endeavour to fulfil.

Today, it is both with some humility but also with pride and emotion that I speak to this assembled body as we celebrate the Centenary of the ILO, an institution which, I truly believe, is dear to us all.

The humility I feel in addressing you stems from the thought of all the Governing Body sessions that have been held since the beginning of the 20th century, where your predecessors, and you ladies and gentlemen, the delegates representing workers, employers and governments, have done everything they can, year after year, to establish, refine and strengthen the mandate of the oldest of all United Nations organizations, so that peace, social justice and decent work remain the constant focus of the major debates confronting global society, 100 years after its creation.

I am also proud and moved to be standing here before you as the staff representative, to bring to your attention the concerns they are facing, just as all the women and men who have preceded me in this capacity have done for nigh on 100 years, ever since 1920.

Dialogue, innovation, adaptation, courage and perseverance, these have been and still are the principles and values that guide all those whose role it is to further the Organization's objectives. Surely their determination and commitment warrant that we should rise to the occasion and, despite the heavy schedule ahead of us, mark the day in a manner worthy of what our Organization has achieved over the past century.

The staff at headquarters greatly appreciated being involved, on 22 January 2019, in the official launch of the celebrations, and are already looking forward to the ceremony in April in which the field staff in particular will participate.

The staff representatives have also been very sensitive to the publication of the report of the Global Commission on the Future of Work, whose main objective has been to provide guidelines for building a better future. In the current global context, that would be no mean feat.

The report, which is directed at each and every stakeholder in the world of work, affords an ambitious vision of what that world might look like in the course of the twenty-first century. The ILO staff representatives have been quick to decipher the key messages that

the report conveys, such as the importance of placing the human element at the centre of our concerns, of guaranteeing access to lifelong learning and of strengthening social protection. They would like to think that the report applies also to the men and women who are first in line as they work untiringly at headquarters and in the field so that all the Organization's principles and values are handed down through the ages. You can imagine how difficult they would find it to understand that the ILO does not practice what it preaches when it comes to its own staff.

It looks, however, as if we may still have to wait some time for that, considering that some of the documents submitted to this session would suggest to the staff representatives that, however ambitious and forward-looking the report on the future of work may be, it has not yet quite penetrated the minds of those who drafted and submitted it.

I refer specifically to documents GB.335/PFA/6 and GB.335/PFA/7, which were already discussed yesterday but whose recommendations – especially the third recommendation in document GB.335/PFA/6 – would seem to be inspired more by the ILO's desire to generate profit by outsourcing more and more of the work than by any genuine attempt to provide effective social protection for the staff as a whole. The recommendation goes against the assertion we find in the report to the effect that “the future of work requires a strong and responsive social protection system based on the principles of solidarity and risk sharing”. Just in case the message conveyed in my earlier statements – and also, in fact, in those of my predecessors – has not got through, I will reiterate it: any attempt to undermine the Staff Health Insurance Fund for reasons other than the interests of its members will be firmly resisted. The ILO is deeply attached to its health system, which is based on the very principles that are promoted in the Global Commission's report.

I refer also to document GB.335/PFA/1 containing the Programme and Budget proposals for 2020–21, where the staff can at last discover the, in their view, greatly exaggerated amounts that have been spent on assessing operational procedures allowing “the elimination of a number of clerical support functions, releasing resources for ... front-line technical work”. It is of course not the decision itself that is being challenged, since it stems from a decision-making prerogative that they do not question. What does give cause for alarm, rather, is what the document does not say.

It makes no reference, for instance, to the human context in which my colleagues evolve – since from now on we are putting the human element at the heart of the debate – or to the serious impact the decisions taken may have on their professional life, without for example guaranteeing them access to further training so as to have a hope of finding another post. What the document overlooks is the increased workload and added stress for our colleagues who survive in the administrative services, where they are so exhausted that, more and more often, external assistance is required so that they can meet shorter and shorter deadlines that are virtually impossible to attain without their health suffering. What the document ignores is the fact that no support posts are being created in the field to handle the increased number of technical posts in field offices. Meanwhile, from our staff representatives in the field we hear of colleagues on the verge of a breakdown, of the regular downgrading of posts for purely financial reasons, of the virtual lack of recognition for work done. Yes, indeed, here at the ILO it is certainly time for the human element to become once again a central concern.

The Staff Union deplors the endless platitudes to be found throughout the Governing Body documents, which often give only a distorted view of the real working conditions in our Organization. But it must not be forgotten that, behind the proposals ostensibly designed to ensure a streamlined budget, there are above all else men and women. Charity, they say, begins at home. So yes, let's have a programme that really focuses on the human element; let us take this opportunity to set a good example; let us “seize the moment”.

Those were my general remarks. I shall now go into a little more detail concerning the very large number of documents that have been submitted to this session for information or for approval, so that you can understand the staff representatives' point of view.

The first three documents I shall comment on relate to the United Nations common system and its now famous – at least in this Organization – International Civil Service Commission (ICSC). I refer to documents GB.335/PFA/13, GB.335/PFA/INF/4 and GB.335/PFA/INF/5.

The Staff Union confirms the information contained in document GB.335/PFA/13 regarding the consultative process, working arrangements and reform of the post adjustment methodology. It does, however, regret that such an important process is moving forward so slowly and that there are some surprising changes in the timetable that the staff representatives see as simple delaying tactics. On the other hand, it does appreciate what it sees as a gesture of appeasement and goodwill, i.e. the decision of the ICSC's new president to send a message to all United Nations staff assuring them of his intention that, under his presidency, the Commission should in future live up to its mandate and its objectives. At the same time – and aware of the irony of the situation – the Staff Union notes with satisfaction that the ICSC, in a, how shall I put it, burst of historically delayed awareness, should finally have decided to incorporate in its own Statute and Rules of Procedure the decisions that the United Nations General Assembly laid down in its 1998 resolution A/53/30. They are never more than 20 years late ...

Regarding document GB.335/PFA/INF/4: *Decisions of the United Nations General Assembly on the report of the International Civil Service Commission for 2018*, it is a matter of regret that the General Assembly always appears far keener to initiate savings which the staff very often end up paying for, rather than adopting ICSC recommendations which, for once, had been properly discussed with the staff federations and had produced a consensus. Adopting those recommendations could have simultaneously satisfied the administrations' need for a flexible body of staff and made working for the United Nations an attractive proposition by guaranteeing a better work–life balance. I am referring here to paragraph 21 of the document.

I would also draw the attention of the ILO's constituents and the members of the ILO Staff Pension Committee to document GB.335/PFA/INF/5, specifically to paragraph 14, which refers to amendments to the Regulations and Rules of the United Nations Joint Staff Pension Fund (UNJSPF) in a manner that could seriously undermine the ILO's representation on the Joint Board. The members of the Governing Body, the administration and the Fund participants will need to be extremely vigilant in ensuring that the Fund is not gradually taken over by other organizations. Once again we are talking about the social protection of the staff, an area where the ILO has always been looked upon as a leading light in the United Nations common system. That must continue.

I shall now turn to the other PFA documents that have direct implications for the staff's employment and working conditions.

Regarding document GB.335/PFA/3 on the headquarters building renovation project, the Staff Union is concerned about the possible consequences of there being a gap between the two phases of the project, especially with respect to the persistent presence of asbestos in the lower parts of the building, the notorious fire hazards and the poor quality of the air. Perhaps you are not aware that many of our colleagues work day in day out on the lower floors of the building, and the Staff Union cannot see why there should be a two-speed occupational safety policy within one and the same Organization. Where it is a matter of the staff's safety, the Staff Union believes that the ILO should first and foremost focus on its currently understaffed human resources so that they can do their job properly, with proper contracts, rather than resort unduly to external companies. That said, we realize that nowadays, though a worker's life may be priceless, once he or she is no longer there the cost is extremely high.

The Staff Union therefore urges the Governing Body to act responsibly when it takes decisions relating to the security, well-being, safety and health of the ILO staff, with due respect for the standards set by the host country and by the United Nations. A worker's life is priceless.

As to document GB.335/PFA/10(Rev.) on amendments to the Staff Regulations, the Staff Union believes that proper consultations were held with the administration and that the document is an appropriate reflection of the outcome. It is, nevertheless, following very closely the discussions being held within the ICSC regarding the review of the methodology for calculating the salaries of the different categories of staff concerned, particularly in the light of the legal disputes and appeals that have surrounded the issue during the past two years.

The Staff Union was particularly interested in document GB.335/PFA/11 on the composition and structure of the ILO staff, given the discussions that are to be held with the administration this year on the issue of the Organization's increased diversity. In the Staff Union's view, if the question of diversity is to be tackled seriously, the concepts, challenges and central issues involved must be correctly defined from the very start. Diversity among the ILO staff cannot simply be reduced to an assessment of the number of different passports held by the Organization's employees. Moreover, we cannot allow the search for the best person for each post, which is the prime concern of any recruitment process, to be undermined by measures that go against the fundamental principles of non-discrimination embodied in the Charter of the United Nations. Diversity is much more than a matter of hard cash that member States contribute to the Organization. Quite apart from geographical distribution, it comprises gender equality, equality in terms of diversity of social origin, equality among languages and the different socio-occupational groups, integration of persons in situations of disability and non-discrimination on the basis of sexual orientation. The administration will at the same time need to promote creative initiatives, which means finding additional resources in order to devise better ways of integrating young workers from every part of the globe so that they can join the Organization and make a useful contribution to it. The Staff Union has already expressed its willingness to engage in any discussion on the subject.

Turning to document GB.335/PFA/12/1 on the proposed amendments to the Statute of the ILO Administrative Tribunal, the Staff Union shares the Tribunal's concerns about anything that might seriously compromise its neutrality and its independence. It is absolutely vital for the staff of the ILO, as well as of all the organizations that come under the Tribunal's jurisdiction, that it should impart justice with complete independence and impartiality.

Finally, the Staff Union would like to say a word about the ILO's duty to honour its mandate in the context of its Centenary celebrations. Anyone who has read all the documents before the Governing Body carefully cannot help but observe that our Organization is at a crossroads. Every document, even the ostensibly least contentious, is contingent to some degree on the United Nations reform, the Global Commission's report on the future of work and the expectation that the ILO should issue a strong statement to mark the Organization's Centenary. These are considerations that are far too important for the staff representatives to ignore. The very wording used in document GB.335/PFA/1 – "change of direction", "reorientation", "reorganization" – leaves no doubt as to the consequences that the decisions involved may have for the staff. The Staff Union has also taken due note of paragraphs 42 to 45 of document GB.335/INS/10 on the United Nations reform, though it regrets the absence of any clear reference to existing labour relations mechanisms, within which all discussions, consultations and negotiations on the possible consequences of the reform for the ILO staff will have to take place.

During the past 100 years, thanks to the resilience of its tripartite Constitution, the Organization has weathered many a storm, and it has always succeeded in finding its rightful place in the United Nations' multiple attempts at integration, while retaining its remarkable and uniquely specific nature. And the ILO staff, too, have always been able to adapt to the new configurations, so long as social dialogue has been conducted in good faith ahead of whatever decisions have had to be taken. The Staff Union therefore trusts that the specific form of labour relations that we have at the ILO, which it sees as inherent in the Organization's DNA, will again prevail throughout this process of reorganization, so that it

continues to serve as an example within the United Nations common system and to be conducive to good practice and its ensuing benefits.

What would be the point otherwise of being the oldest member of the United Nations family if it was not respected for its experience and expertise?

Allow me to remind you, as delegates representing the three groups of Workers, Governments and Employers, that the “world parliament of labour” that your predecessors created and nurtured for a 100 years, and which you are perpetuating here today, is unique, worthy of respect and, especially, indispensable. In the interests of decent work, the maintenance of peace and social justice, it is essential that tripartism endure. You are an outstanding example of the benefits of social dialogue within the United Nations which, for all the obstacles and difficulties it entails, brings with it the full beauty and satisfaction of engaging in discussions through which it is possible to devise and conclude agreements and to promote a system of standards that can benefit workers throughout the world. Let this message be heard loud and clear.

For a 100 years, the destinies of the three component parts of this Organization have been irrevocably intertwined. The Organization cannot hope to function if the tripartite stakeholders are unable to find their way to a compromise so as to provide it with guidance. And the Organization cannot function without a competent and committed secretariat and staff to implement decisions. The staff will always stand side by side with the administration and the Organization’s constituents in continuing to promote social justice and decent work. It trusts that the feeling is reciprocated where the staff’s employment and working conditions are concerned.

As members of the staff, we believe that all those who have built the Organization over the years can be proud of what they have achieved, and we hope that the journey will continue for many years to come.

On behalf of the staff, I wish the ILO happy birthday and, above all, many happy returns!

Thank you for your attention.

Catherine Comte-Tiberghien

19 March 2019

Appendix IV

Update of member States' contributions received between 1 and 18 March 2019

Since 1 March 2019, contributions for 2019 and prior years amounting to CHF5,238,830 have been received from six member States as follows:

Member States	Contribution received for 2019	Contribution received for arrears	Total contributions received (in CHF)
Denmark	2 090 330	–	2 090 330
Equatorial Guinea *	36 084	247 567	283 651
France	2 822 829	–	2 822 829
Honduras	28 784	–	28 784
Saint Vincent and the Grenadines *	–	5 628	5 628
Tonga	3 777	3 831	7 608
Total	4 981 804	257 026	5 238 830

* Equatorial Guinea and Saint Vincent and the Grenadines regained their right to vote.

Total contributions received in 2019, therefore, amount to CHF118,151,389 (comprising CHF110,323,449 for 2019 contributions and CHF7,827,940 for arrears of contributions). The balance due as of today is CHF371,016,068.

Appendix V

Scale of assessments of contributions to the budget for the 2020–21 financial period

State	ILO	UN	Draft ILO scale of	Increase (Decrease)
	assessments	assessments	assessments	(Diff. between
	2019	2019-21	2020-21	(cols 3 and 1)
	Col.1	Col.2	Col.3	Col.4
	%	%	%	%
1 Afghanistan	0.006	0.007	0.007	0.001
2 Albania	0.008	0.008	0.008	-
3 Algeria	0.161	0.138	0.138	(0.023)
4 Angola	0.010	0.010	0.010	-
5 Antigua and Barbuda	0.002	0.002	0.002	-
6 Argentina	0.893	0.915	0.916	0.023
7 Armenia	0.006	0.007	0.007	0.001
8 Australia	2.338	2.211	2.211	(0.127)
9 Austria	0.720	0.677	0.677	(0.043)
10 Azerbaijan	0.060	0.049	0.049	(0.011)
11 Bahamas	0.014	0.018	0.018	0.004
12 Bahrain	0.044	0.050	0.050	0.006
13 Bangladesh	0.010	0.010	0.010	-
14 Barbados	0.007	0.007	0.007	-
15 Belarus	0.056	0.049	0.049	(0.007)
16 Belgium	0.885	0.821	0.822	(0.063)
17 Belize	0.001	0.001	0.001	-
18 Benin	0.003	0.003	0.003	-
19 Bolivia, Plurinational State of	0.012	0.016	0.016	0.004
20 Bosnia and Herzegovina	0.013	0.012	0.012	(0.001)
21 Botswana	0.014	0.014	0.014	-
22 Brazil	3.825	2.948	2.949	(0.876)
23 Brunei Darussalam	0.029	0.025	0.025	(0.004)
24 Bulgaria	0.045	0.046	0.046	0.001
25 Burkina Faso	0.004	0.003	0.003	(0.001)
26 Burundi	0.001	0.001	0.001	-
27 Cabo Verde	0.001	0.001	0.001	-
28 Cambodia	0.004	0.006	0.006	0.002
29 Cameroon	0.010	0.013	0.013	0.003
30 Canada	2.922	2.734	2.735	(0.187)
31 Central African Republic	0.001	0.001	0.001	-
32 Chad	0.005	0.004	0.004	(0.001)
33 Chile	0.399	0.407	0.407	0.008
34 China	7.924	12.005	12.010	4.086
35 Colombia	0.322	0.288	0.288	(0.034)
36 Comoros	0.001	0.001	0.001	-
37 Congo	0.006	0.006	0.006	-
38 Cook Islands ⁽¹⁾	0.001		0.001	-
39 Costa Rica	0.047	0.062	0.062	0.015
40 Côte d'Ivoire	0.009	0.013	0.013	0.004
41 Croatia	0.099	0.077	0.077	(0.022)
42 Cuba	0.065	0.080	0.080	0.015
43 Cyprus	0.043	0.036	0.036	(0.007)
44 Czech Republic	0.344	0.311	0.311	(0.033)
45 Democratic Republic of the Congo	0.008	0.010	0.010	0.002
46 Denmark	0.584	0.554	0.554	(0.030)
47 Djibouti	0.001	0.001	0.001	-
48 Dominica	0.001	0.001	0.001	-
49 Dominican Republic	0.046	0.053	0.053	0.007
50 Ecuador	0.067	0.080	0.080	0.013
51 Egypt	0.152	0.186	0.186	0.034
52 El Salvador	0.014	0.012	0.012	(0.002)
53 Equatorial Guinea	0.010	0.016	0.016	0.006
54 Eritrea	0.001	0.001	0.001	-
55 Estonia	0.038	0.039	0.039	0.001
56 Eswatini (formerly known as Swaziland)	0.002	0.002	0.002	-
57 Ethiopia	0.010	0.010	0.010	-
58 Fiji	0.003	0.003	0.003	-

State	ILO	UN	Draft ILO scale of	Increase (Decrease)
	assessments	assessments	assessments	(Diff. between
	2019	2019-21	2020-21	cols 3 and 1)
	Col.1	Col.2	Col.3	Col.4
	%	%	%	%
59 Finland	0.456	0.421	0.421	(0.035)
60 France	4.861	4.427	4.429	(0.432)
61 Gabon	0.017	0.015	0.015	(0.002)
62 Gambia	0.001	0.001	0.001	-
63 Georgia	0.008	0.008	0.008	-
64 Germany	6.392	6.090	6.093	(0.299)
65 Ghana	0.016	0.015	0.015	(0.001)
66 Greece	0.471	0.366	0.366	(0.105)
67 Grenada	0.001	0.001	0.001	-
68 Guatemala	0.028	0.036	0.036	0.008
69 Guinea	0.002	0.003	0.003	0.001
70 Guinea-Bissau	0.001	0.001	0.001	-
71 Guyana	0.002	0.002	0.002	-
72 Haiti	0.003	0.003	0.003	-
73 Honduras	0.008	0.009	0.009	0.001
74 Hungary	0.161	0.206	0.206	0.045
75 Iceland	0.023	0.028	0.028	0.005
76 India	0.737	0.834	0.835	0.098
77 Indonesia	0.504	0.543	0.543	0.039
78 Iran, Islamic Republic of	0.471	0.398	0.398	(0.073)
79 Iraq	0.129	0.129	0.129	-
80 Ireland	0.335	0.371	0.371	0.036
81 Israel	0.430	0.490	0.490	0.060
82 Italy	3.750	3.307	3.309	(0.441)
83 Jamaica	0.009	0.008	0.008	(0.001)
84 Japan	9.684	8.564	8.568	(1.116)
85 Jordan	0.020	0.021	0.021	0.001
86 Kazakhstan	0.191	0.178	0.178	(0.013)
87 Kenya	0.018	0.024	0.024	0.006
88 Kiribati	0.001	0.001	0.001	-
89 Korea, Republic of	2.040	2.267	2.268	0.228
90 Kuwait	0.285	0.252	0.252	(0.033)
91 Kyrgyzstan	0.002	0.002	0.002	-
92 Lao People's Democratic Republic	0.003	0.005	0.005	0.002
93 Latvia	0.050	0.047	0.047	(0.003)
94 Lebanon	0.046	0.047	0.047	0.001
95 Lesotho	0.001	0.001	0.001	-
96 Liberia	0.001	0.001	0.001	-
97 Libya	0.125	0.030	0.030	(0.095)
98 Lithuania	0.072	0.071	0.071	(0.001)
99 Luxembourg	0.064	0.067	0.067	0.003
100 Madagascar	0.003	0.004	0.004	0.001
101 Malawi	0.002	0.002	0.002	-
102 Malaysia	0.322	0.341	0.341	0.019
103 Maldives, Republic of	0.002	0.004	0.004	0.002
104 Mali	0.003	0.004	0.004	0.001
105 Malta	0.016	0.017	0.017	0.001
106 Marshall Islands	0.001	0.001	0.001	-
107 Mauritania	0.002	0.002	0.002	-
108 Mauritius	0.012	0.011	0.011	(0.001)
109 Mexico	1.436	1.292	1.293	(0.143)
110 Moldova, Republic of	0.004	0.003	0.003	(0.001)
111 Mongolia	0.005	0.005	0.005	-
112 Montenegro	0.004	0.004	0.004	-
113 Morocco	0.054	0.055	0.055	0.001
114 Mozambique	0.004	0.004	0.004	-
115 Myanmar	0.010	0.010	0.010	-
116 Namibia	0.010	0.009	0.009	(0.001)
117 Nepal	0.006	0.007	0.007	0.001

State	ILO	UN	Draft ILO scale of	Increase (Decrease)
	assessments	assessments	assessments	(Diff. between
	2019	2019-21	2020-21	cols 3 and 1)
Col.1	Col.2	Col.3	Col.4	
%	%	%	%	
118 Netherlands	1.483	1.356	1.357	(0.126)
119 New Zealand	0.268	0.291	0.291	0.023
120 Nicaragua	0.004	0.005	0.005	0.001
121 Niger	0.002	0.002	0.002	-
122 Nigeria	0.209	0.250	0.250	0.041
123 North Macedonia	0.007	0.007	0.007	-
124 Norway	0.849	0.754	0.754	(0.095)
125 Oman	0.113	0.115	0.115	0.002
126 Pakistan	0.093	0.115	0.115	0.022
127 Palau	0.001	0.001	0.001	-
128 Panama	0.034	0.045	0.045	0.011
129 Papua New Guinea	0.004	0.010	0.010	0.006
130 Paraguay	0.014	0.016	0.016	0.002
131 Peru	0.136	0.152	0.152	0.016
132 Philippines	0.165	0.205	0.205	0.040
133 Poland	0.841	0.802	0.802	(0.039)
134 Portugal	0.392	0.350	0.350	(0.042)
135 Qatar	0.269	0.282	0.282	0.013
136 Romania	0.184	0.198	0.198	0.014
137 Russian Federation	3.089	2.405	2.406	(0.683)
138 Rwanda	0.002	0.003	0.003	0.001
139 Saint Kitts and Nevis	0.001	0.001	0.001	-
140 Saint Lucia	0.001	0.001	0.001	-
141 Saint Vincent and the Grenadines	0.001	0.001	0.001	-
142 Samoa	0.001	0.001	0.001	-
143 San Marino	0.003	0.002	0.002	(0.001)
144 Sao Tome and Principe	0.001	0.001	0.001	-
145 Saudi Arabia	1.147	1.172	1.173	0.026
146 Senegal	0.005	0.007	0.007	0.002
147 Serbia	0.032	0.028	0.028	(0.004)
148 Seychelles	0.001	0.002	0.002	0.001
149 Sierra Leone	0.001	0.001	0.001	-
150 Singapore	0.447	0.485	0.485	0.038
151 Slovakia	0.160	0.153	0.153	(0.007)
152 Slovenia	0.084	0.076	0.076	(0.008)
153 Solomon Islands	0.001	0.001	0.001	-
154 Somalia	0.001	0.001	0.001	-
155 South Africa	0.364	0.272	0.272	(0.092)
156 South Sudan	0.003	0.006	0.006	0.003
157 Spain	2.444	2.146	2.147	(0.297)
158 Sri Lanka	0.031	0.044	0.044	0.013
159 Sudan	0.010	0.010	0.010	-
160 Suriname	0.006	0.005	0.005	(0.001)
161 Sweden	0.957	0.906	0.907	(0.050)
162 Switzerland	1.141	1.151	1.152	0.011
163 Syrian Arab Republic	0.024	0.011	0.011	(0.013)
164 Tajikistan	0.004	0.004	0.004	-
165 Tanzania, United Republic of	0.010	0.010	0.010	-
166 Thailand	0.291	0.307	0.307	0.016
167 Timor-Leste	0.003	0.002	0.002	(0.001)
168 Togo	0.001	0.002	0.002	0.001
169 Tonga	0.001	0.001	0.001	-
170 Trinidad and Tobago	0.034	0.040	0.040	0.006
171 Tunisia	0.028	0.025	0.025	(0.003)
172 Turkey	1.019	1.371	1.372	0.353
173 Turkmenistan	0.026	0.033	0.033	0.007
174 Tuvalu	0.001	0.001	0.001	-

State	ILO	UN	Draft ILO scale of	Increase (Decrease)
	assessments	assessments	assessments	(Diff. between
	2019	2019-21	2020-21	cols 3 and 1)
	Col.1	Col.2	Col.3	Col.4
	%	%	%	%
175 Uganda	0.009	0.008	0.008	(0.001)
176 Ukraine	0.103	0.057	0.057	(0.046)
177 United Arab Emirates	0.604	0.616	0.616	0.012
178 United Kingdom	4.465	4.567	4.569	0.104
179 United States	22.000	22.000	22.000	-
180 Uruguay	0.079	0.087	0.087	0.008
181 Uzbekistan	0.023	0.032	0.032	0.009
182 Vanuatu	0.001	0.001	0.001	-
183 Venezuela, Bolivarian Republic of	0.571	0.728	0.728	0.157
184 Viet Nam	0.058	0.077	0.077	0.019
185 Yemen	0.010	0.010	0.010	-
186 Zambia	0.007	0.009	0.009	0.002
187 Zimbabwe	0.004	0.005	0.005	0.001
TOTAL	100.000	99.966	100.000	0.000

⁽¹⁾ The Cook Islands is not at present a member of the UN. The proposed rate of assessment is based on its membership fees in other UN specialised agencies.

(GB.326./PFA/GMA/1)